

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISIONAward No. 12757
Docket No. 12530
94-2-92-2-47

The Second Division consisted of the regular members and in addition Referee John C. Fletcher when award was rendered.

(Brotherhood of Railway Carmen/Division
(of TCU
PARTIES TO DISPUTE: (
(Grand Trunk Western Railroad Company

STATEMENT OF CLAIM:

- "1. That the Grand Trunk Western Railroad Company violated the controlling agreement, specifically Rules 22 and 24, when they denied Carmen C. Marsh and E. Morden their contractual rights to fill temporary vacancies on March 22, 1991, and instead called junior employees to fill the vacancies.
2. That accordingly, the Grand Trunk Western Railroad Company be ordered to compensate C. Marsh and E. Morden all wages lost from March 22, 1991 until their time of recall to work on October 2, 1991."

FINDINGS:

The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

Claimants, who have both subsequently resigned from Carrier's service, were in a furloughed status on March 22, 1991, when Carrier was increasing forces. Both had filed their names as desiring to be called for available work. Attempts were made by telephone to contact both to return to work, but neither responded to these attempts. Carrier then proceeded to call junior employees, who were returned to work.

The Organization does not dispute that attempts were made to reach both Claimants, as Carrier has demonstrated. It only questions the extent of these attempts before going to younger employees.

The issue involved here is not new to this Board. There are scores of Awards that conclude that Carriers need not go to extraordinary efforts to effect the recall of furloughed employees. All that is required is that reasonable efforts, consistent with the provisions of the Agreement be attempted. Carrier's initial efforts have not been challenged in this record. What the Organization is really questioning is that extraordinary efforts were not expended before offering the work to junior employees. If it is expected that extraordinary efforts be expended, then Rule support must exist. It has not been shown that such Rule support is in place on this property.

AWARD

Claim denied.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Dated at Chicago, Illinois, this 13th day of October 1994.