

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISIONAward No. 12908
Docket No. 12773
95-2-93-2-136

The Second Division consisted of the regular members and in addition Referee Robert Richter when award was rendered.

(International Brotherhood of Fireman
(and Oilers
PARTIES TO DISPUTE: (
(Chicago and Northwestern Transportation
(Company

STATEMENT OF CLAIM:

- "1. That the Chicago and Northwestern Transportation Company violated Article 1, Section 4 of the September 25, 1964 Agreement, when it posted a five day notice (rather than a 60 day notice) of the abolishment of the positions of Mr. J. Batts and Mr. R. Feagins.
2. That Chicago and Northwestern Transportation Company further violated the September 25, 1964 Agreement, when it failed to provide the protective benefits to Messrs. J. Batts, R. Feagins, M. Lorenzen, D. Anderson, C. Sagar and J. Weltz, who were affected as a result of changes of the Chicago and Northwestern Transportation Company as defined in Article 1, Section 2, paragraph (f).
3. That Article 1 of the September 25, 1964 Agreement in its entirety afford protective benefits to employees adversely affected as a result of the changes by the Chicago and Northwestern Transportation Company, as set forth in Section 2 of Article 1. In the instant case, Section 2, Paragraph (F).
4. That accordingly, the Chicago and Northwestern Transportation company be ordered to make Messrs. Batts, Feagins, Lorenzen, Anderson, Sagar and Weltz whole by payment for time lost as a result of the abbreviated furlough notice, and further that the protective benefits of the September 25, 1964 Agreement be applied."

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.

This case was originally docketed with SBA 570. However, in accordance with the June 1, 1993 Letter of Understanding between the Organization and the National Railway Labor Conference the case was withdrawn from SBA 570 and was submitted to this Board.

Claimants were employed at the Carrier's Mechanical facility at the Clinton, Iowa. On April 30, 1990 the Carrier posted abolishment notice of the Claimant's positions as of May 4, 1990. As a result the Organization filed this claim.

The Organization claims the Carrier violated the September 25, 1964 Agreement by not giving the proper notice under that agreement and argues the furloughs were a result of a technological change. It takes the position that when the Carrier changed air compressors in 1987 it resulted in the furloughs in 1990.

The Carrier's position is that the furloughs were the result of the shut down of the boiler for the summer months. The Carrier further argues that the compressors were installed in December 1985 and January 1986 more than four years prior to the furloughs. It points out that the compressors replaced old compressors and there was no new technology introduced.

We find the position of the Organization to be untenable, if not bordering on the absurdity. It is obvious the September 25, 1964 Agreement was not violated.

AWARD

Claim denied.

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ORDER

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

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Dated at Chicago, Illinois, this 16th day of August 1995.