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G. M. YOUNG

The Second Division consisted of the regular members and in addition Referee Edmund W. Schedler, Jr. when award was rendered.

Parties to Dispute: (System Federation No. 76, Railway Employees'
(Department, A. F. of L. - C. I. O.
((Electrical Workers)
(
(Chicago, Milwaukee, St. Paul and Pacific Railroad Co.

Dispute: Claim of Employees:

1. That the seniority date as an Electronic Maintainer for Charles L. Holm be back dated to comply with Communication Bulletin No. 3-72.
2. That during the period Bulletin No. 3-72 existed, Mr. Holm be paid the difference in wages received and the rate of pay advertised in said bulletin.
3. Remove the name of A. A. Leonard from the Electronic Maintainer Seniority Roster.

Findings:

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

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employe 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.

The evidence conclusively showed that 3 seniority rosters were established by the August 1, 1968 Memorandum of Agreement. The line of progression begins at the bottom with the Assistant Electronic Maintainer level and progressively goes upward to Senior Assistant Electronic Maintainer and thence to Electronic Maintainer. The evidence disclosed that one, A. A. Leonard, had a seniority date of 3-30-66 on the Assistant Electronic Maintainer roster and the Claimant, Holm, had a seniority date of 6-24-68 on the same roster. In addition Holm had a seniority date of 3-21-69 on the Senior Assistant Electronic Maintainers' roster while Leonard's name

does not appear on this roster. Although Leonard held the position of Telegrapher and Communications Inspector; neither of these titles is a classification in the line of progression. It appears to this Board that Leonard forfeited his rights by remaining a Communications Inspector rather than bidding on the Senior Assistant Electronic Maintainer at Harlowton, Montana on March 21, 1969. (See Carrier's Exhibit F-page 57).

The Organization complained that the Carrier violated the Agreement in awarding the Electronic Maintainer position to Leonard after the time limits had expired. This Board agrees that time limits are important and must be observed. However, the Board finds that Leonard was incorrectly awarded the Electronic Maintainer position notwithstanding the error in time limits.

A W A R D

After a careful consideration of all the evidence and upon the foregoing findings of fact the Organization's claim is sustained. The Carrier will immediately:

- (1) Offer Charles L. Holm the seniority date of January 31, 1972 as an Electronic Maintainer.
- (2) Pay Charles L. Holm the difference in wages he received and the rate of pay advertised in Bulletin 2-72 for as long as Bulletin 3-72 existed.
- (3) Delete the name of A. A. Leonard from the Electronic Maintainer Seniority Roster.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By: Rosemarie Brasch
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 10th day of October, 1973.