

The Second Division consisted of the regular members and in addition Referee James F. Scarce when award was rendered.

Parties to Dispute: (System Federation No. 2, Railway Employees'
(Department, A. F. of L. - C. I.O.
((Carmen)
(Chicago and Eastern Illinois Railroad Company

Dispute: Claim of Employees:

1. That the Chicago and Eastern Illinois Railroad Company violated the provisions of the Agreement, specifically Rules 7, 11, 13, 25 and all memorandum to these rules, when they erroneously awarded a permanent position of Car Inspector at Joppa, Illinois to Carman Norris E. Story.
2. That the Chicago and Eastern Illinois Railroad Company be ordered to correct their error and correctly award the Car Inspectors position at Joppa, Illinois to Carman H. E Williams, who was the oldest employe in seniority to bid on the permanent vacancy.

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.

Carman N. E. Story was regularly assigned as Carman at Yard Center (Chicago), Illinois. He was awarded a temporary vacancy at Joppa, Illinois and worked the position at that one-man point from April 22, 1974 through May 4, 1974 due to regular occupant, Carman Garner, being absent due to sickness. At that time Carman Story returned to his regular position at Yard City where he maintained seniority.

Upon the retirement of Carman Garner at Joppa, May 31, 1975, Carman Story was awarded the position, Carrier alleging he had established seniority at that point when he filled the temporary vacancy for a few days beginning April 22, 1974.

This Board has reviewed the rules of agreement, particularly Rules 7 and 13. Rule 7 is a pay rule, nothing more. It seems unquestionable that the rule does not imply or intend that seniority will be established under such circumstances. Rule 13, on the other hand, applies to those transferring to another point with the view of accepting a permanent transfer. That is not the case here. Carman Story was well aware that the vacancy was for the duration of Carman Garner's illness. We find, therefore, that Carman Story was improperly awarded the permanent vacancy upon Carman Garner's retirement.

Both parties have alleged a violation of Rule 25 which relates to posting and protesting seniority rosters. Since this dispute deals with adjusting seniority we have chosen to deal with the merits and make no determination on the question of procedure.

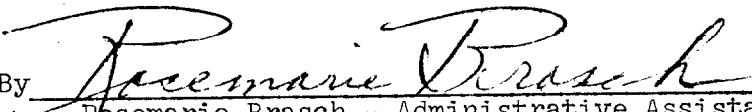
Almost three years have expired since this dispute arose. Bearing in mind the changing conditions over such a long period of time which may affect job preferences, the case is remanded to the parties for disposition. The Board will retain jurisdiction of the dispute for a period of ninety (90) days. Upon notice from either party that no settlement has been reached, this Board will issue the remedy.

A W A R D

Claim sustained and remanded in accordance with the Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By 
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 16th day of June, 1978.