

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISIONAward No. 12728
Docket No. 12663
94-2-93-2-47

The Second Division consisted of the regular members and in addition Referee Joseph A. Sickles when award was rendered.

(International Brotherhood of Electrical
Workers
PARTIES TO DISPUTE: (
(Burlington Northern Railroad Company

STATEMENT OF CLAIM:

"1. That in violation of the governing agreement and long establish practice, the Burlington Northern Railroad denied Electronic Technician K. A. Bergeron the position of his choice when the force at his headquarters point of Lincoln, Nebraska, was realigned on October 16, 1991.

2. That accordingly, the Burlington Northern Railroad should be instructed to allow Electronic Technician K. A. Bergeron to exercise his seniority on the position of his choice as provided by the controlling agreement."

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.

In this dispute, the Organization argues that a 1989 reorganization permitted seniority exercises to the employees to select choice of positions, but the Carrier refused to utilize that procedure in 1991.

The Claimant attempted to exercise seniority to a different position as a result of the second realignment, but the Carrier refused to permit it.

The Organization submitted a claim asserting that the Carrier violated the Rules of the Agreement and particularly Appendix H, dealing with rearrangement of forces.

The Carrier denies that the 1991 rearrangement of forces is the same as that which occurred in 1989, when days off, shifts and responsibilities were changed.

We are inclined to agree with the Carrier that the 1991 changes were not analogous to the earlier alterations. This claimant's schedule, etc., was not changed.

AWARD

Claim denied.

O R D E R

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 22nd day of July 1994.