

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21875
Docket Number SG-21300

Nicholas H. Zumas, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(
(Robert W. Blanchette, Richard C. Bond
(and John H. McArthur, Trustees of the
(Property of Penn Central Transportation
(Company, Debtor

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood
of Railroad Signalmen on the former Pennsylvania
Railroad Company:

System Docket 1039
Eastern Region - Harrisburg Division

Appeal - To reinstate R. E. Everetts, in proper order, to
the Class of Assistant Foreman.

Reason - R. E. Everetts was omitted from the Class of
, Assistant Foreman on grounds that he did not bid
on two recent bulletins advertising positions of
Assistant Foreman, while he was inactive in that
class.

Claim - According to Article 4, Section g(a) of the current
C&S Agreement, an employee reduced in class when
force reductions are made, must accept return to
service in seniority order, in an advertised
position or permanent vacancy in the class from
which reduced, only when no bids have been received
from qualified employees for such position or
vacancy.

Since in each case of afore mentioned advertisements,
bids were received from qualified employees with
numbers in the Assistant Foreman Class, R. E. Everetts
was not compelled to bid on these positions to
maintain his number in the class of Assistant Foreman.

OPINION OF BOARD: It is clear from this record that Claimant refused to accept an assignment to the Assistant Foreman position at **Downington** and his name was properly removed from the Assistant Foreman roster in accordance with Section 9(a) of Article 4 of the Agreement.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the parties waived oral hearing;

That the Carrier and the **Employees** involved in this dispute are respectively Carrier and **Employees** within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A. W. Pauls
Executive Secretary

Dated at **Chicago**, Illinois, this 31st day of **January** 1978.