

The Third Division consisted of the regular members and in addition Referee John E. Cloney when award was rendered.

(Brotherhood of Railroad Signalmen  
PARTIES TO DISPUTE: (  
(Consolidated Rail Corporation

STATEMENT OF CLAIM:

"Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Consolidated Rail Corporation (Conrail):

On behalf of Brother D. J. Morgan, that he should be assigned to the position of Foreman Project Gang and paid the difference between the Foreman's rate (\$1.78 per hour) beginning on January 30, 1985 and continuing until he is assigned the foreman position, account of Carrier violated the Signalmen's Agreement, as amended, particularly Rule 2-A-1(d), when it did not assign him in accordance with the Rule. Carrier file: SD-2217."

FINDINGS:

The Third 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 employees 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.

On January 11, 1985, a bulletin advertised a foreman position at Seward, Pa. Claimant bid on the position whereas, the employee assigned did not, Claimant does not have seniority in the Foreman's class, but the employee assigned did.

Rule 2-A-1(d) provides:

"Awards will be made within ten (10) calendar days after the close of the advertisement period to the senior bidder in the class. If there are no bids from employees who possess seniority in the class, Rule 3-B-2 will govern. Assignment to the position will be made within ten (10) calendar days

following the date the position is awarded. Notice of awards will be posted at the headquarters involved. A furloughed employee will be considered as having bid for any position or vacancy not requiring a change in residence. If he is the senior bidder in the class, the position will be awarded to him. If such employee fails to report for the position, within ten (10) calendar days, he shall forfeit his seniority in that class and in all higher classes, unless such position is expected to be of less than ninety (90) calendar days duration."

As the Rule provides furloughed employees will be considered as having bid, and as the senior qualified employee was assigned, as having been an automatic bidder, we see no violation of the agreement.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Attest:

  
Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 23rd day of June 1988.