

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Award No. 30404
Docket No. CL-30656
94-3-92-3-433

The Third Division consisted of the regular members and in addition Referee John C. Fletcher award was rendered.

(Transportation Communications International
(Union
PARTIES TO DISPUTE: (
(Union Pacific Railroad Company

STATEMENT OF CLAIM:

"Claim of the System Committee of the Organization
(GL-10820) that:

1. The Union Pacific Railroad Company violated the Agreement effective May 16, 1981, as amended when it posted 12(c) Short Vacancy Notices covering vacancies in excess of thirty (30) days duration period March 1, 1991 through May 31, 1991.
2. The Union Pacific Railroad Company shall be required to compensate the two (2) oldest furloughed unprotected clerical employees, subject to a joint check of Carrier's records, the difference between wages earned and wages that would have been earned absent rules violations."

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 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.

On February 26, and 27, 1991, Carrier posted two notices of Temporary Position or Vacancy, under Rule 12(c), which had durations of vacancy in excess of 29 days. Both vacancies were filled on the date the notices were posted. The Organization filed claim contending that because the vacancies were "thirty days or more duration" they were required to be bulletined under Rule 11 (a).

With this the Board agrees. The stated duration of the vacancies, on both postings, was in excess of 29 days. As such they should have been bulletined under Rule 11 (a) and not 12 (c).

The Claim has merit.

AWARD

Claim sustained.

O R D E R

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) be made. The Carrier is ordered to make the Award effective on or before 30 days following the postmark date the Award is transmitted to the parties.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Dated at Chicago, Illinois, this 8th day of August 1994.