

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award No. 29889
Docket No. MW-28912
93-3-89-3-311

The Third Division consisted of the regular members and in addition Referee Gil Vernon when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees
(Union Pacific Railroad Company (former
(Missouri Pacific Railroad)

STATEMENT OF CLAIM: "Claim of the System Committee of the
Brotherhood that:

- (1) The Agreement was violated when the Carrier failed and refused to permit Trackman M. Hooks to exercise his seniority to obtain a trackman position on Gang 1102 at North Little Rock Terminal on February 1 and 2, 1988 (Carrier's File 880309 MPR).
- (2) As a consequence of the aforesaid violation, Mr. M. Hooks shall be allowed sixteen (16) hours of pay at the trackman's rate."

FINDINGS:

The Third 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.

The basic facts are as follows. Prior to the time that this dispute arose the Claimant was regularly assigned to Gang 9015 headquartered at the Panel Plant in North Little Rock, Arkansas. Effective at the close on January 29, 1988, the Claimant's position was abolished due to an extensive force reduction implemented by the Carrier. Subsequent to the abolishment of the Claimant's position he reported to the Carrier before starting time and

advised of his desire to displace a junior employee filling a temporary unbulletined position at North Little Rock. The Claim protests the Carrier's failure to allow the displacement.

The issue raised by this case have been resolved by Public Law Board 279 in Awards 425 and 426. In applying Rule 2(F), the Board held that displacement rights pertain only to junior employees assigned to regular positions. Since the junior employee the Claimant sought to displace in this case was holding a temporary or extra position he was not subject to displacement.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest: Catherine Loughrin
Catherine Loughrin - Interim Secretary to the Board

Dated at Chicago, Illinois, this 26th day of October 1993.