

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION**

**Award No. 42603  
Docket No. SG-42393  
17-3-NRAB-00003-160120**

The Third Division consisted of the regular members and in addition Referee Andria S. Knapp when award was rendered.

**PARTIES TO DISPUTE:** (Brotherhood of Railroad Signalmen  
(BNSF Railway Company)

**STATEMENT OF CLAIM:**

**“Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the BNSF Railway Company:**

**Claim on behalf of C. Fischer, for immediate assignment to a Signalman’s position on the Seattle Seniority District based on her bidding preferences relating to the positions advertised by bulletin S1204-B, account Carrier violated the current Signalmen’s Agreement, particularly Rule 41, when, on May 1, 2012, it did not assign her to one of the Signalman positions advertised by said bulletin. In addition, Carrier should be compelled to provide the Claimant a seniority date of May 1, 2012, on the Seattle Seniority District roster, as well as the compensation provided for in Rule 41 beginning 15 days from May 1, 2012, the date of bulletin S1204-B’s Assignment Notice, and continuing until this dispute is resolved. Carrier’s File No. 35-12-0039. General Chairman’s File No. 12-031-BNSF-156-CA. BRS File Case No. 14900-BNSF.”**

**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 were given due notice of hearing thereon.

At the time this dispute arose, the Claimant was assigned as a Signaller on Signal Crew SSCX1204 on the California Seniority District. In the spring of 2012, she bid on Signaller Position S6147 on the Seattle Seniority District, which was advertised in Bulletin S1204-B. On May 1, 2012, when assignments for the bulletin were announced, her bid was denied. Ms. Fischer was not awarded Position S6147, which the Carrier marked as "Unfilled." By letter dated May 31, 2012, the Organization filed a claim on her behalf, alleging a violation of Rule 41(H) of the parties' Agreement.

This is another in a series of claims challenging the Carrier's denial of employees' bids to transfer from one seniority district to another. The Board set forth its analysis of the issue in Third Division Award 42601, and adopts that same analysis in this case, which presents exactly the same issue, only with a different Claimant. The reader is referred to the earlier opinion, which held that Rule 41(H) permits employees to file bids across seniority districts and, if they are the successful bidder under the standards set forth in Rule 41(H), to be awarded the position they bid on. Under that holding, the Carrier violated the Agreement when it failed to award Ms. Fischer Signaller Position S6147 on May 1, 2012. The Board also adopts the analysis on the remedy set forth in the earlier opinion, under which the Claimant is entitled to a retroactive award of seniority on the Seattle Seniority District as provided in the collective bargaining agreement, but not to any monetary compensation.

### **AWARD**

Claim sustained in accordance with the findings.

**Form 1**  
**Page 3**

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**ORDER**

**This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant be made.**

**NATIONAL RAILROAD ADJUSTMENT BOARD**  
**By Order of Third Division**

**Dated at Chicago, Illinois, this 19th day of April 2017.**