

SPECIAL BOARD OF ADJUSTMENT NO. 605

PARTIES) St. Louis-San Francisco Railway Company
TO THE) and
DISPUTE) Transportation - Communication Employees Union

QUESTIONS
AT ISSUE:

1. Does an employee (extra or regularly assigned) who retains or obtains (by bidding or displacing) a regular position when such is available to him after December 24, 1965, retain protected status under the terms of Article II, even though such employee may not have done so prior to December 24, 1965?

2. With respect to Article II, Section 1, as example:

One position is advertised as vacant. There are three protected employees none of whom apply for the position and same is awarded to a junior employee. Does any employee lose his protected status? If so, which one?

Then, for instance, in the same circumstances, the second senior extra employee applies for and is awarded the advertised position. Does any employee lose his protected status? If so, which one?

OPINION
OF BOARD:

It is the Opinion of the Board that because of the unusual facts and circumstances involved in this case and without establishing a precedent on this or any other carrier, that the claims should be denied except that claimants K. Sewell, E. C. Burden, H. J. Hooker, C. Moenning, C. E. McQuay, F. E. Ryan, R. R. Clark, D. R. Smith, and D. G. Matlock, the only remaining claimants currently employed by the carrier, should be restored to protected status under the February 7, 1965 Agreement as of the date of this Award without any retroactive compensation. The claims of O. L. Dement and G. M. Shanks who are no longer in the service of the carrier are denied. Because of this disposition there is no reason to consider any other issue raised by the parties. It is not intended to express any opinion concerning the rights of claimants under any local agreements providing protective benefits to employees.

AWARD NO. 333
Case No. TCU-48-W

AWARD

The case is disposed of as per Opinion of the Board.

W. S. Macgill

G. L. Dennis

M. E. Parks

J. E. Leighty

Dated: November 14, 1972

Washington, D. C.