

SPECIAL BOARD OF ADJUSTMENT NO. 605

PARTIES) Brotherhood of Railroad Signalmen
TO) and
DISPUTE) Louisville and Nashville Railroad

QUESTION

AT ISSUE: If an employe has "protected" status under the February 7, 1965 Agreement and subsequently voluntarily bids onto a position on another seniority district and thereby gives up his seniority on the former district and begins as a new employe on the new district, does he lose his "protected" status under that Agreement?

OPINION

OF BOARD: Because no actual dispute exists, both parties have stipulated that the Board may consider and resolve the question, and the parties will be bound thereby. The stipulation is limited to this instance and to these facts: the "protected" employe is working, and voluntarily goes to another seniority district and voluntarily exercises his preferential rights under the working agreement.

Does such employe lose his "protected" status under the February 7 Agreement?

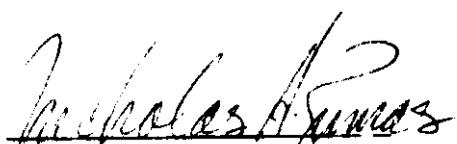
Section 1 of Article II of the February 7 Agreement provides in part as follows:

"An employee shall cease to be a protected employee in case of his * * * failure to retain * * * a position available to him in the exercise of his seniority rights in accordance with existing rules or agreements, * * *."
(Underscoring added.)

If, therefore, the existing rules do not allow an employe to retain his seniority if he voluntarily bids and accepts a position in another seniority district, it is clear from the above quoted language that the employe loses his "protected" status.

AWARD

The answer to the Issue to be Resolved is in the affirmative.


Nicholas J. Zumas
Neutral Member

Dissent follows
Award 77

Dated: Washington, D.C.
May 26, 1969