

AWARD NO. 257
Case No. TCU-33-W

SPECIAL BOARD OF ADJUSTMENT NO. 605

PARTIES) The Atchison, Topeka and Santa Fe Railway Company
TO THE) -Coast Lines-
DISPUTE) and
Transportation-Communication Employees Union

QUESTION
AT ISSUE:

To avoid loss of allowance as computed under Article IV, Section 1 and to avoid loss of moving expenses and five working days' pay under Article III, must an employee who knows that his position soon will be abolished, refrain from applying for positions advertised to be vacant?

OPINION

OF BOARD: Claimant, a Telegrapher-Clerk at Cadiz, California, was officially notified on August 23, 1965, that his position was abolished effective August 31, 1965. He thereupon bid a vacant Telephoner-Printer-Clerk position at San Diego, California. Bids closed out on August 23, and on August 24, Claimant was declared the successful bidder but was held on his Cadiz position until August 31.

According to Carrier, Claimant voluntarily exercised his seniority by bidding prior to the actual abolishment of his position. The Organization contends that since Claimant was notified that his position was being abolished his move was not a voluntary one but the result of Carrier's action. He did remain at Cadiz until August 31, when his position disappeared, and after that date he occupied the San Diego position.

A move which is the result of Carrier's abolishment of a position cannot be defined as a voluntary exercise of seniority. As the Organization points out, it is not even in the self-interest of Carrier for an employee to wait until his position is actually abolished before bidding a vacant position,


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and then to commence what may be a chain of displacements, each one of which may require compensation to affected employees.

In this case Claimant was officially notified that his position was being abolished and once that occurred his move was not "the normal exercise of his seniority...by reason of a voluntary action," in the words of Article IV, Section 3.

A W A R D

In the circumstances of a case like this, the answer to the Question is No.


Milton Friedman
Neutral Member

Dated: July 8, 1971
Washington, D. C.