

Article 700 - Seniority Rules
JOB SELECTION SYSTEM - Questions and Answers for BLE Officers
BN 4/24/81 Ops-35-81

MEMORANDUM OF AGREEMENT
between the
BROTHERHOOD OF LOCOMOTIVE ENGINEERS
and
BURLINGTON NORTHERN INC.

In the application of Section 7 of the Merger Protective Agreement dated June 29, 1965 and Article VII of Implementing Agreement No. 1 dated January 21, 1966, the following provisions of the revised engineers' schedule agreement will be made effective on the Illinois-Wisconsin, Missouri, Nebraska, Wyoming, Lake Superior, Minnesota, Montana-Dakota, Rocky Mountain, and Pacific seniority districts.

ARTICLE 700 - SENIORITY RULES

Section 701. BULLETINING AND FILLING ASSIGNMENTS

701 General Q. How does the Job Selection System affect Engineer's Merger Guarantee?

A. It does not. Engineer must select assignments the same as previously under the merger agreements.

701.1 Bulletins

701.1 (1) New assignment vacancies shall be bulletined for seven (7) days to the seniority district.

701.1(1) Q. Are pool turns and extra list assignments bulletined?

A. No. (See 701.1(4)).

701.1(2) Bulletins shall include the following where applicable:

701.1(2) a. Nature of service required, work, local, road switch, yard, mine run, etc.

b. Specify train number or designation.

c. Terminal or terminals of assignment.

d. Days of the week service is to be performed and/or rotation of service.

e. Rest days and/or layover point.

f. Time on duty.

g. The office to which corrected job selection cards will be sent.

h. The date assignment will be established.

701.1(2)(h) Q. Can job bulletins be issued establishing a job "on or about" a certain date?

A. Yes, provided the bulletin so specifies and the successful bidder remains on his previous job until the bulletined job is inaugurated.

701.1(2)(h) Q. If job is established immediately, how is the job protected until the bulletin expires?

A. By an extra list engineer (See also 701.3(8)).

701.1(3) Bulletins will state the closing time and date, which shall be at 12:01 p.m. on the seventh day after date of issue.

701.1(3) Q. If any zone has board changes established at a specified time other than 12:01 PM, can the specified closing time be other than 12:01 PM?

A. Yes, the 12:01 PM time can be changed according to Local Agreement.

701.1(4) Additional through freight pool or extra list assignments will not be bulletined.

701.2 CHANGES-REBULLETINING PERMANENT VACANCIES

701.2(l) When assignment mileage on road runs is increased or decreased by 300 miles or more per month; changed from straightaway to turnaround or vice versa; starting times are changed by two hours or more; or if terminals, layover points, or days on which service is to be performed are changed on road runs, such runs shall be considered a new assignment and bulletined.

701.2(l) Q. Can the starting time of an assignment be changed by notice more than 1"59" from the original bulletined starting time without considering the assignment as a new assignment?

A. No.

Letter of understanding pertaining to 701.2

Mr. J. L. Russell January 27, 1984

Director of Labor Relations BW File: EFA 82-11-9

Dear Mr. Russell:

The claims of Engineer G. L. Sieker and Fireman D. J. Lindholm I identified by the above file numbers were discussed in conference on January 10, 1984, at which time a compromise settlement to allow fifty percent (50%) of the total claims was agreed to.

This settlement was made with the understanding that under the terms of the agreement BN 4/24/81, OPS-35-81, those engineers manning assignments whose starting time is changed two (2) hours or more will not be required to remain on such assignments, and it will be treated as a new assignment and bulletined to the seniority district. If the starting time for an assignment is to be changed two hours, or more, the affected engineer shall be notified prior to going off duty before the close of the last shift worked, prior to the new scheduled starting time of the assignment. At the time notified the affected engineer may elect to stay on the assignment, during the seven (7) day bulletin period of the new job, consistent with filing a new job selection card, or he will be immediately reassigned per his job selection card on file.

When an assignment is altered so that the mileage is increased or decreased by three hundred (300) line miles per month or the starting time is changed two (2) hours or more it shall be treated just as though it is a new assignment* At the end of the seven (7) day bulletin period it will be assigned to the senior engineer showing preference for the assignment on his job selection card.

Very truly yours,

R. E. Pelava

General Chairman

AGREED

J. L. Russell W. C. Sheak

Director of Labor Relations Asst to Vice President

Burlington Northern Railroad Co.

701.2 (2) When changes are made in the starting time of two hours or more or equivalent of 300 miles or more in monthly earnings of engineers on suburban and short turn around passenger service assignments, such assignments shall be considered new assignments and bulletined.

701.2(2) Q.& A. Same as 701.2(1)

701. 2 (3) In yard service, when on and off duty points, rest days or starting times of assigned jobs are changed by one hour or more, such jobs shall be considered new assignments and bulletined.

701.2(3) Q.&A. Same principle as 701.2(1), except yard starting times rules will also apply and time change is limited to 59".

701.2(4) Incumbents of assignments bulletined under provisions of this section may continue to work the assignment during the period the assignment is under bulletin.

701.2(4) Q. Is this continuation of work on the assignment subject to Rule 701.3(8)?

A. Yes.

701.3 ENGINEERS' JOB SELECTION SYSTEM

701.3(1) Assignment of engineers to permanent vacancies shall be made by the Engineers'

Job Selection System. BLE local chairmen will be furnished a list of all road and yard assignments in the seniority district, describing and numbering each assignment, and these listings will be posted on all bulletin boards where engineers go on and off duty. A job selection form shall be made available to engineers that will permit them to indicate their preference of assignment to regular assignments, pool turns and/or extra board service, in the order of their preference choices, with or without a fireman, which will be used in placing locomotive engineers in the event they are displaced and/or as permanent vacancies occur. The placement of engineers who are on duty at the time job selection records are worked will become effective upon completion of their tours of duty, as determined by Section 820.9 of the revised engineer's schedule, quoted below:

"820.9 Engineers will show their arrival time and tie-up on the engineers' register on completion of road service trips and tie-up time on completion of yard tours of duty. The "arrival time" registered by engineers upon completion of road service trips will govern determination of the relative order in which pool freight and extra list engineers are to be placed on such boards for subsequent service. The tie-up time so registered will govern position of extra engineers following yard service.

It is understood that other arrangements may be agreed to locally between local carrier officers and local representatives of the BLE.

701.3(l) Q. May an engineer who has been displaced change his Job Selection Bid., then be off for 48 hours and then be reassigned according to the new Job Selection Bid?

A. No. He is placed according to the Job Selection bid that was valid at the time of displacement.

701.3(l) Q. Can an engineer change a Job Selection Bid by altering a previous Job Selection Bid that is on file?

A. No. Job Selection Bids containing erasures or alterations of job assignments are not valid.

Alterations only may be made in the date of assignment column by the crew caller.

701.3(l) Q. Should an engineer retain a copy of his Job Selection Bid?

A. Yes. When filing a Job Selection Bid, each copy should be receipted with the date, time, location and name of the person with whom the bid is filed.

701.3(l) Q. Should a demoted Engineer file a "Job Selection Bid" Sheet?

A. Yes. Every demoted Engineer should file and keep his Engineers Bid Sheet current. When he is promoted he will then be assigned per his Bid Sheet, seniority permitting and not be forced assigned.

GCA-BLE/BNRC File:

BN4/24/81-OPS 35-81

(Except C&S, FW&D, and StL&SF) CL. No. 0,85-24

Dear Sirs and Brothers:

It has come to my attention that a misunderstanding exists at some locations on the proper placement of engineers affected by our Article 700-Seniority Rules and the UTU-Manning Agreement.

In order to eliminate any future problems all engineers, whether promoted or demoted, should adhere to the following procedure.

1 . File and maintain a Job Selection Card for engineer positions at all locations in the Seniority District at which he may desire to work.

2 . Indicate as shown in the example which engineer positions he would desire to work in the event of furlough under the terms of the Manning Agreement.

EXAMPLE: (To be placed on Engineer A's Job Selection Card,) NOTE; In the event of furlough as a fireman I wish to exercise my engineers seniority to the following positions;

ASSIGNMENT - TERMINAL OR LOCATION

001 - B

002 - B

103 - C

401 - E

If this procedure is followed, those individuals subject to furlough will retain one last opportunity to exercise engineers seniority prior to excepting furlough under the decline in business formula.

This understanding is currently effective and shall remain so until such time as one of the applicable agreements is changed so as to affect the understanding.

R. E. Pelava

General Chairman

701.3(2) Engineers will be privileged to change their job selection cards at any time but they will not become effective until expiration of 48 hours from the time filed. All changes shall be recorded as to the time and date filed.

701.3(2)Q. When is the 48 hour validation period waived?

A. Only under circumstances provided for in sections 701.2(4) and 701.3(8).

701.3(2) Q. May an Engineer have a Job Selection bid on file at several zones or locations that are not identical?

A. No. This is further explained in the next question and answer.

701.3(2) Q. If an engineer is working in a zone and moves to another zone, does that void his bid in the zone where he was previously working?

A. No. But if a new bid is filed in the new zone, an identical bid must be filed in the zone where he was previously working as well as all other zones where his bid is on file. Bids in all zones listed are in effect until a new Job Selection bid is filed at any one location.

701.3(3) Engineers desiring new assignments or assignments that are changed will change their job selection cards with the appropriate offices not later than 48 hours before the expiration of the bulletin.

701.3(3) Q. If the office where bid is to be sent is in another zone, when does the bid become effective?

A. 48 hours after it is filed at any location, within the seniority district. (See 701.3(2))

701.3(4) An engineer displaced from a run or assignment by a senior engineer in accordance with schedule rules and/or agreements will immediately be assigned to another assignment consistent with such engineer's job selection card on file in that zone.

NOTE EXCEPTIONS: Provided under Sections 701.24(4), 701.3(7) 701.3(8) and 708.3

701.3(a) Q. What procedure is to be used if an engineer cannot hold any of the jobs shown on his job selection bid and there are junior engineers working at that location?

A. Such engineer is required to displace the junior engineer working within the zone.

701.3(4) Q. What procedure is to be used if an engineer cannot hold any of the jobs listed on his job selection bid and there are no junior engineers' assignments that his seniority requires that he fill at that location?

A. Such engineer is demoted and placed according to rules governing his new craft.

701.3(5) A turn added to a through freight pool or extra board will be considered an additional assignment, and it will be assigned to the senior engineer showing preference for it on his job selection card. An engineer will not be permitted to change from one turn to another in the same pool, except to obtain a pool turn with or without a fireman as specified on his job selection card.

701.3(5) Q. What effect does it have if no preference is indicated as to working with a fireman or without a fireman?

A. If the fireman/no fireman designation is not made, the engineer will displace the junior engineer in than pool.

701.3(5) Q. If a pool engineer changes his Bid Sheet from "Freight Pool with a fireman" to "Freight Pool without a fireman", will he be reassigned 48 hours later? Likewise if he changes his bid sheet the opposite way?

A. No. First an exercise of seniority must take place by a Pool Engineer into or out of the Freight Pool

in which he vacates a turn with or without a fireman.

Second, there must be an exercise of seniority by a fireman vacating or filling a fireman pool turn.

When under the fireman's rules it is established a fireman will or will not be assigned to that pool turn the engineers will be reassigned per his bid sheet.

701.3(6) An engineer displacing into a through freight pool will displace either the junior engineer with a fireman, or the junior engineer without a fireman.

701. 3(6) Q. May a junior engineer showing a preference either with or without a fireman displace a senior engineer who does not show the preference?

A. No. A junior engineer cannot displace a senior engineer.

701.3(7) An engineer absent from service during the bulletined period of a new run will be permitted to take such run upon return to duty, provided he does so prior to performing any other service, and provided further that his seniority entitles him to the run.

701. 3(7) Q. May an engineer who is on vacation, sick leave or other authorized leave of absence file a Job Selection Bid?

A. Yes. However, in some cases it would not be necessary. For example, if an assignment was not advertised until after the engineer had completed service prior to his absence, it would not be necessary for him to change his bid since he would have the right to do so upon his return to service.

701. 3(7) Q. If the engineer has access to the job bulletin prior to vacation, etc., would he have displacement privileges upon return to service?

A. No. The interpretation of "access" as used above is: The bulletin would have to be posted prior to the tie-up time of the engineer as of his last service preceding his absence.

701. 3(7) Q. In the above question, for example, if an engineer's vacation started at midnight and the bulletin was advertised 6 hours prior (or less) to his vacation, would this be considered as having access to the bulletin?

A. No. Per answers to the above two questions it would be necessary for the bulletin to be posted at the tie-up point, of the involved engineer, prior to the actual time such engineer tied up to be designated as his having access to the bulletin.

701. 3(8) An engineers whose job is abolished during the period a new job is under bulletin will be permitted to take one such new run immediately, provided (1) he first indicates such new job on his job selection card, and (2) he is senior to the engineer filling such job during the bulletin period.

701.3(8) Q. If an engineer takes a job under bulletin, how long is he entitled to that job?

A. Only until the expiration of the bulletin unless he is the senior engineer bidding on the job, in which case he is assigned as per the bulletin.

701.3(8) Q. Does this entitle the engineer to change his job selection bid when displaced?

A. Yes, the 48-hour prerequisite is waived under these circumstances.

701.3(8) Q. The extra man working the assignment under bulletin is senior to the engineer whose job is abolished. Can the senior extra engineer be displaced?

A. No.

701. 3(9) If the number of engineers' pool turns is reduced, the turn held by the junior engineer without a fireman will be removed. That engineer will have an exercise of seniority in accordance with his job selection card.

701. 3(10) Any employee holding seniority as engineer may list any engineers' jobs on his seniority district on his job selection card. However, he will not be placed on an engineer's job if senior engineers are demoted at that location.

SECTION 707. DEFINITIONS OF VACANCIES

707.1 Temporary - A temporary vacancy is one created by an assigned engineer being absent for any reason for less than thirty days.

707.2 Permanent - A permanent vacancy is created when an engineer has been or it is reasonably certain that he will be, absent for thirty days or more. Days of absence while on vacation will not count in calculating the thirty days.

707.2 Q. When is a board change made under Section 707.2 (Permanent Vacancies)?

A. Engineer I'D" may be off ill 25 days and it is apparent he will not return to service for several more weeks.

The BLE Local Chairman and proper Carrier Officers will agree to have Engineer "D" assignment filled as a permanent vacancy due to Engineer "D" being absent 25 days.

If the BLE Local Chairman or Carrier Officer have not agreed to a board change in less than 30 days under this rule, the board change will be made on the 31st day of the vacancy at the usual time of day that board changes are made.

707.1 Q. Does one T.V. create another T.V.?

A. Yes. After the seven day period.

707.1 Q. Can an Engineer holding a regular pool turn mark up onto a Temporary Vacancy in the same pool?

A. No.

707.3 Vacation vacancies will be considered as temporary vacancies regardless of length of assigned vacation.

707.3 Have a ten (10) Engineer Extra Board. On a given day, three (3) start vacation and two (2) mark up on temporary vacancies.

Q. Should these five (5) extra board turns be treated as temporary vacancies?

A. No. There are no temporary vacancies on an extra board.

ALL LOCAL CHAIRMEN

GCA-BLE/BNRC (Except Frisco)

March 2, 1982

File: Sch.Sec, 707,2

Dear Sirs and Brothers:

Enclosed is copy of letter of intent regarding Section 707.2 of our Job Selection System,

It was brought to my attention that Section 707.2 had been misinterpreted, in at least one location. So as to resolve any misunderstanding the enclosed is provided for your information and files.

I trust it will now be perfectly clear that an engineer' absent from his regular assignment for any cause for thirty days except his own vacation will cause the job selection cards to be worked. In essence this will give an engineer an opportunity to change jobs by being absent from his regular assignment (laying off or working temporary vacancies), for thirty days.

If you have any questions please contact this office at your convenience.

Fraternally yours,

W.M Dunegan

Enclosure

W. M. Dunegan

General Chairmen

BURLINGTON NORTHERN

Mr. W. M. Dunegan, Gen, Chmn,

Bro. of Locomotive Engineers

1003 Pioneer Building

St. Paul, Minnesota 55101

February 25, 1982

File EF-6(c)-9

Dear Mr. Dunegan:

With reference to Agreement BN 4/24/81 Ops 35-81, which revised the seniority

rules.

Section 707.2 of this Agreement reads as follows:

"Permanent - A permanent vacancy is created when an engineer has been, or it is reasonably certain that he will be, absent for thirty days or more. Days of absence while on vacation will not count in calculating the thirty days."

The above agreement is intended to apply when an engineer is absent from his assignment for any cause (except vacation) for a period of 30 days or more.

If you agree that the above is correct, please sign the duplicate copy of this letter.
Sincerely,

J. L. Russell, Director of Labor Relations

ACCEPTED:

W. M. Dunegan, General Chairman

707.4 NEW ASSIGNMENT VACANCY

707.4(1) A new assignment vacancy is one created by a yard assignment being run for four days or more under Section 314.3.

707.4(1) Q. *When an extra yard assignment has been on for four (4) consecutive days on the same shift, should it be bulletined as a regular assignment?*

A. *Yes. The procedure provided for under Section 701.1(2) should be followed.*

707.4(1) Q. *Would an engineer who had been displaced be able to file a revised Bid Sheet, showing preference for the new assignment and be assigned?*

A. *Yes. This is provided for under Section 701.3(8).*

707.4(2) By a bulletin being issued establishing a new assignment under Section 701.1.

Section 708. FILLING VACANCIES

708.1 Temporary vacancies as defined in Section 707.1 will be filled from the engineer's extra list for the first seven days of such vacancy. Thereafter, the vacancy will be open to seniority choice and the successful applicant must remain on the vacancy until:-

708.1(1) The regular engineer returns.

708.1(2) He is displaced by a senior engineers

708.1(3) He is awarded a permanent position under the Job Selection System. In this event, he will have the option of remaining on the temporary vacancy or going on the permanent vacancy.

EXAMPLE 1. - Engineer "A" goes on vacation and was on Job #106. While on vacation he is reassigned to Job #204.

Engineer "B" was filling Job #106 as a temporary vacancy.

Q. Does Engineer "B" follow the temporary vacancy to Job #204?

A, No. Engineer "B" would be displaced by the regular engineer being assigned. See 708.1(1) and be assigned per his job selection bid or place on another temporary vacancy.

Under Example 1 - Engineer "C" who was permanently assigned to Job #101 has been on vacation for two weeks when assigned.

Q. Does Engineer "B" stay on Job #106 as a temporary vacancy?

A. Yes. As Engineer "C" being on vacation will not bodily mark up on Job #106. See 708.1(1)

Once an assignment is designated a temporary vacancy it remains such until the regular engineer is actually marked up for service on that assignment.

It is possible, but not probable, to have three or four engineers assigned to an assignment after the first seven day period but they never mark up for actual service. The assignment remains a temporary vacancy.

EXAMPLE 2:

Engineer on vacation for five weeks. First seven (7) days filled by extra engineer. Second week-is filled by engineer "A" who then goes on four (4) weeks.

Q. Would Engineer "A's" vacation be filled by an extra engineer for the first seven days?

A. No. It remains a T.V. and can be filled by an engineer desiring same as a T.V. (Due to language in 707.3 and 708-1)

February 25, 1982

File BP-6(c)-9

Dear Mr. Dunegan:

With reference to Agreement BN 4/24/81 Ops 35-81, which revised the seniority rules.

Section 707.2 of this Agreement reads as follows:

"Permanent - A permanent vacancy is created when an engineer has been, or it is reasonably certain that he will be, absent for thirty days or more. Days of absence while on vacation will not count in calculating the thirty days."

The above agreement is intended to apply when an engineer is absent from his assignment for any cause (except vacation) for a period of 30 days or more.

If you agree that the above is correct, please sign the duplicate copy of this letter.

ACCEPTED:

J. H. Waldron August 15, 1983 - 10:30 AM

Returned his call - Q of 2/24/78 Agreement and 700 Rules for force filling assignments.

708.2(2) Filling per No. "Third"

Review of file notes and after discussing same with VC M. L. Glover and J. D. Shell. The following was agreed to as the intent of Third:

In the event a Zone does not have a demoted engineer hired after "M" Day March 3, 1970 (Implementing Agreement No. 1) or after October 11, 1974 (Implementing Agreement No. 2) they are to go to the next Zone nearest location highway miles and force a non prior righted or non merger protected demoted Engineer.

After all Zones in a seniority district are out of either non prior righted engineer or non merger protected engineers, they can then move to "Fourth".

Under Fourth - they go to the junior demoted prior rights engineer (fireman) and force him to fill his prior right assignments. (He can be working in any zone in the district) or under IMA #1 - force the junior demoted engineer in the seniority district.

Also discussed the question of an individual working in Zone at out side location but is not the most junior demoted engineer in the zone but is at close by highway miles to the zone or location that needs an engineer.

Our position is he is forced per language in "Third" nearest location by highway miles.

Waldron advised of our position at 4:15 PM - August 15, 1983.

April 4, 1982

File EF-6(c)-9

MEMORANDUM OP AGREEMENT

With reference to Agreement BN 4/24/81, OPS 35-81, pertaining to Job Selection Rules.

Section 708.2 (2) reads In part:

"Second: By assignment of the junior demoted engineer working in the zone where the vacancy occurs."

In the application of the above, it is agreed:

In the event a junior demoted engineer returns to work in a zone where there is a

forced engineer. that forced engineer can request to be reassigned according to his job Selection Care.

FOR BURLINGTON NORTHERN RAILROAD COMPANY:
FOR BROTHERHOOD OF LOCOMOTIVE ENGINEERS

April 4, 1982

File EF-6(c)-9

MEMORANDUM OF AGREEMENT

With reference to Agreement BN 4/24/81 OPS 35-81, pertaining to Job Selection Rules.

Section 708.2 (2) reads In part:

"Second: By assignment of the junior demoted engineer working In the zone where the vacancy occurs."

In the application of the above, it is agreed:

In the event a junior demoted engineer returns to work in a zone where there is a forced engineer, that forced engineer can request of be reassigned according to his Job Selection Card.

FOR BURLINGTON NORTHERN RAILROAD COMPANY
FOR BROTHERHOOD OF LOCOMOTIVE ENGINEERS:

March 22, 1984

File: BN 4/4/82 Ops 15-82

Dear Mr. Russell:

In order to clarify any questions concerning proper application of Agreement BLE/BN 4/4/82 Ops 15a,82, carrier file EF-6(c)w9, the following interpretation is given to this agreement:

If an engineer is force assigned to an outlying point in a zone provided by Section 708.2(2) of Agreement BN 4/24/81 op a 35-81, he may request reassignment within the zone if a junior demoted engineer becomes available in this zone for any reason* Such reason is defined as reporting after laying off, illness, furlough, reinstated to service, return to service in that zone from another zone by exercise of seniority, forced or otherwise, or becoming available through demotion within the zone*

It is further understood that such force assigned engineer must make request for reassignment immediately upon becoming aware that a junior demoted engineer is available in the zone. Failing to do so, he waives all rights to be reassigned under the interpretation of this agreements He would then be allowed to move only in accordance to his seniority and the applicable governing 700 rules.

It is understood when these conditions are met, the engineer requesting reassignment may demote himself, subject to the applicable existing rules and agreements.

If you concur with this interpretation, sign and return one (1) copy of this letter.

Fraternally yours,

R. E. Pelava

General Chairman

708,1 Q. *Is it necessary or permitted to list temporary vacancy choices on Job Selection bid?*

A. *No. Job Selection Bid Sheets have no connection with temporary vacancies.*

708.2(l) A permanent vacancy is defined in Section 707.4(l) will be filled by the senior

engineer who has the assignment shown in preference on his job selection card on record.
708.2(2) In the event there is no job selection card on record for the assignment the vacancy will be filled as follows:

First: By assignment of the senior demoted engineer working at the location of the vacancy.

Second: By assignment of the junior demoted engineer working in the zone where the vacancy occurs.

Third: By the junior demoted engineer hired subsequent to Implementing Agreement No. 1, or implementing Agreement No. 2, whichever is applicable, working in an adjacent zone at the nearest location by highway miles where vacancy exists.

NOTE: (a) A location is defined as either a terminal or an outlying point.

NOTE: (b) The seniority districts subject to Implementing Agreement No. 1, as presently defined, are Lake Superior, Minnesota, Montana-Dakota, Rocky Mountain and Pacific.

NOTE: (c) The seniority districts subject to Implementing Agreement No. 2, as presently defined, are Illinois-Wisconsin, Missouri, Nebraska and Wyoming.

NOTE: (d) Edgemont will be considered as the "nearest location" to Gillette, and Sheridan as the next nearest, for permanent engineer vacancies at Gillette.

Fourth: By the junior demoted engineer who is merger protected per Implementing Agreement No. 1, or who has prior rights per Implementing Agreement No. 2, working in another zone.

NOTE: (e) An engineer subject to Implementing Agreement No. 1 will be notified of an available force filled assignment on his seniority district. If there is a demoted non-merger protected engineer on the seniority district to fill the assignment, the merger protected engineer may decline to fill the assignment. In the event he declines the force-fill assignment, any merger guarantee payment due him would be subject to an earnings offset of the earnings of the junior engineer on a one-for-one basis.

708.3 A demoted engineer who is force-assigned to a permanent vacancy in another zone will be afforded the rights of a displaced engineer in the zone to which he is forced, subject to his timely filed contingent job selection card.

708.3 Q. What constitutes a "timely filed" Job Selection bid under this provision?

A. "Timely filed" under this provision means the immediate filing of a Job Selection bid upon his reporting for work in the zone to which he was forced.

708.3 Q. Can an engineer who is forced to a particular zone elect to go to another zone in lieu of the force move?

A. No. He must report at the zone to which he is forced.

708.3 Q. An engineer is forced Minneapolis to Willmar, can he file a new bid at Willmar and come back to Minneapolis before working at Willmar?

A. No. Changes in Job Selection Bids are not effective for 48 hours after being filed.

708.4 OUTLYING POINTS (Points other than the source of supply)

708.4(l) Temporary vacancies, new assignment vacancies (The bulletin period thereof) and extra service shall be filled by the senior demoted engineer at the outlying point.

708.4(l) Q. Explain Section 708.4(l). Temporary vacancy choices on Job Selection Bid?

A. The agreed to application is:

EXAMPLE: Have 4 assignments, 2 of which firemen assigned at an outlying point. Senior demoted engineer #1 will fill first engineer's assignment (temporary) and remain on the temporary assignment until the regular engineer reports. He cannot be used on another assignment as an engineer, unless the assigned engineer has reported for service.

In this event, if demoted engineer #2 had also been used as an engineer (temporary) and this is still a vacancy - demoted engineer #1 will be used on this assignment.

This prevents senior demoted engineers (firemen) from working for a junior demoted engineer as a fireman.

Cannot use a demoted engineer (fireman) from job to job on a one trip or day basis.

When demoted engineer fills assignment he remains on it until the regular engineer reports or a senior demoted engineer is available at that location.

708.4(2) If there is no demoted engineer at the outlying point the vacancy shall be filled from the engineers' extra list at the nearest point, by highway miles, within that seniority district.

708.4(3) An extra list engineer so used will fill the vacancy for seven days except if he should be the senior applicant for a permanent vacancy or a new assignment.

708.4(4) An extra list engineer filling a vacancy at an outlying point will be released from such vacancy after seven days if he so requests. In the event the assignment is working less than seven days per week the extra engineer will be relieved, if he so requests, following the last working day preceding the rest day(s) of the assignment provided such extra engineer has filled the assignment at least five days.

708.4(5) After the expiration of seven days, seniority will prevail in the filling of temporary vacancies at outlying points for engineers desiring to fill such vacancy. (See Section 708.1) This agreement shall become effective May 1, 1981 on the Illinois-Wisconsin, Missouri, Nebraska and Wyoming seniority districts. On the Lake Superior, Minnesota, Montana-Dakota, Rocky Mountain and Pacific seniority districts, it may become effective on the first day of a month beginning June 1, 1981, but not later than January 11 1982. The exact effective date on those five seniority districts will be agreed upon by the parties.

July 1, 1993

File: 4-24-81 OPS 35-81

Dear Sir and Brother:

This concerns the question you posed regarding an engineer on the extra list who is called to protect a temporary vacancy at an outlying point, Specifically,, your question was:

Can an extra list engineer who is called to protect a temporary vacancy at an outlying point exercise to a different temporary vacancy within that zone before he has protected the outlying vacancy for the number of days prescribed by 708,4(3), (4)?

The answer is, No. Section 708.4(3) states: "An extra list engineer so used will fill her vacancy for seven days except if he should be the senior applicant for a permanent vacancy of a now assignment."

The above, in addition to Section 708.4(4), makes it clear that the engineer may only be allowed to vacate the outlying vacancy prior to the seven (or five per 708.4(4)) day period if awarded a permanent or new assignment,

Trusting this answers the question you posed, I remain,

Fraternally,

D.L. McPherson

General Chairman