ITEM ‑ 40

May 29, 1961

 Mr. K. A. King

Local Chairman

Division 142

Rawlins, Wyoming

Dear Sir and Brother:

This question, wherein promoted conductors are reduced from the brakemen's extra board and subsequently brakemen are returned to the brake­men's extra board in their seniority order, has arisen on several districts. This particular con­ductor is not recalled account conductors his junior are returned to the brakemen's extra board having more brakeman's seniority than he. After this junior conductor is returned to the brakemen's extra board, he bids in an assigned conductor's position or is forced on it account of no one making application for it.

 I have ruled that if the senior conductor requests to work this conductor's job that a junior conductor is on, he will be permitted to exercise his conductor's rights under Rule 92‑4:

 "(4) Rights to runs, everything being equal, will be governed by seniority except as herein provided."

 If later he is displaced from the conductor's position, he can be cut from the brakemen's extra board in accordance with Rule 40(c): (In part)

 "When the extra list is reduced, such reduction will be from the brakemen working on the extra list. Assigned positions that may be held by brakemen junior to any of the brakemen removed from the extra list will not be bulletined but such junior brakemen can be displaced by any senior brakeman who is removed from the extra list in accordance with schedule rules."

(A‑40‑1)