ITEM ‑ 43(d‑4)

November 14, 1977

 This refers to your May 4, 1977 letter, file GCA/77‑12, concerning the right of a conductor to remain on the conductor extra board in preference to holding a regular pool freight position as a conductor, without sacrificing his conductor seniority.

 Section 9(a) and (b) of the conductor extra board agreement dated August 7, 1972 provide as follows:

 "9(a). Conductors assigned to the extra board will remain thereon not less than 30 days, unless displaced, except that ‑­

"such conductor may move to a new turn or a permanent vacancy in the freight pool, provided his written application has been on file not less than 5 days prior to assignment of the vacancy or new turn."

 "NOTE: A conductor who voluntarily moves from the extra board to cool ser­vice as provided by the exception above shall not be permitted to again file application for or otherwise return to the extra board for a period of 60 days thereafter, unless such conductor is displaced from the pool prior to expira­tion of the 60 day period.

 "(b). Conductors relinquishing the extra board must displace the junior pool freight conductor when seniority permits; otherwise, they will displace per Rule 92(15)."

 It is our interpretation that under the terms of the above‑quoted provisions, the conductor may remain on the conductor extra board without pen­alty in preference to holding a regular pool freight position as conductor. Therefore we concur with your interpretation that rule 92(23) does not penalize a conductor who elects to remain on an extra board rather than holding a regular pool freight position as conductor. .

 Instructions will be issued to the operating department relative to the application of section 9(a) and (b) of the conductor extra board agreement.