ITEM 92( a-5)  
  
E-013-23-74  
  
May 4, 1971  
  
V. K. Tatman, General Chairman,  
United Transportation Union (C.),  
Omaha, Nebraska  
  
J. R. Dennis, General Chairman,  
United Transportation Union (T),  
Omaha, Nebraska  
  
Gentlemen:  
  
Enclosed for your information is a copy of a letter dated April 24, 1971 from Local Chairman Murdock to Superintendent Johnson dealing with the force-assignment of junior conductors.  
  
Murdock's comments appear to be valid. Under Sections 3 and 4 of the 1962 Dual Rights Agreement, yardmen having road rights are required to select a freight district. The agreement dated January 4, 1967 modified Rule 90 and provided the manner in which dual rights yardmen would be promoted to conductor. Section 9 of the Dual Rights Agreement stipulates that employes acquiring seniority as a conductor must protect their conductor's seniority.  
  
When no applications are received for a bulletined conductor's position, Rule 93(d)(1) requires that the "Junior conductor" and/or brakeman of the district or division, as the case may be, will be assigned.  
  
The "junior conductor", for purposes of assigning an employe to a bulletined conductor's job when no bids are received, is the most junior employe on the roster of that freight district having a date as conductor. In many instances, this will mean that an employe working as a yardman will be forced to the conductor's job, despite the fact he cannot hold a brakeman's job. Furthermore, since yardmen hold division rights, the junior promoted employe forced to protect his conductor's seniority may be working as a yardman at some location outside of the freight district on which he holds road rights...

The propriety of forcing the most junior promoted man holding conductor rights on the freight district involved, without regard to whether he is then working as a brakeman or yardman, is well settled and is the procedure required by the rules in such situations; and Superintendent Johnson will respond ro Local Chairman Murdock accordingly.

Yours truly,

/s/ J. H. Kenny

(A-92a-5-2)

Ogden, Utah

April 24, 1971

Mr. J. R. Johnson, Superintendent   
Union Pacific Railroad Company   
Cheyenne, Wyoming 82001

Dear Sir:

We are now approaching that time of the year when there is a possibility of adding work trains, assigned locomotive cranes, the yearly bulletin of all assigned jobs, etc. Some of these jobs are less desirable than other jobs, and with the addition of more and more pool freight turns, the older employees in train service are more and more returning to jobs in the vicinity of Ogden.

We are, or might be, faced with the possibility of assigning jobs as conductors the junior promoted conductor of the district in the event no bids are received for a particular job. As you know Schedule Rule 93(d)(1) provides that when no written applications are received for a bulletined assignment the junior conductor of the district or division will be assigned.

The Full General Committee (C) has recently ruled that in the event no bids are received for a bulletined assignment and we have promoted men working as switchmen who have been promoted and who have seniority rights on the district Ogden to Green River, the junior promoted switchman of the district will be assigned. This will apply no matter where he is working be it Evanston, Green River, or Cheyenne, and it will also apply whether or not he can hold road service in Ogden senioritywise at the time.

In other words it has been ruled that promoted men must protect their rights as conductors if they hold seniority in any particular district and are promoted to the position of conductor.

Is this your understanding of the rule and does this meet with your approval? Will you please advise?

Yours truly,

/s/

R. B. Murdock,

Local Chairman

UTU 238, Ogden, Utah

(A-92a-5-3)