RULE 12.  PROMOTION AND RIGHTS.   (a) (1) Rights of yardmen employed on and after May 1, 1941 will date from the time they pass required rules examination.  Date and time rules examination is completed will be recorded on Form 2197, “Application For and Record of Examination”.

(2)  All seniority rights established by yardmen under this agreement shall automatically terminate coeffective with the date the employe reaches the age of seventy (70) years.

(3)  No person shall be employed under agreements between the parties hereto on or after reaching the age of seventy (70) years.

(b)  applications for employment will be filed with the Superintendent and applicants who are accepted for employment will be afforded an opportunity to qualify in the order in which their applications are filed.

(c)   Yardmen employed prior to August 15, 1931 retain seniority rights in yard in which seniority date was established.

(d)  Yardmen establishing seniority date on or after August 15, 1931 hold division rights only.

(e)   The rights to preference of work and promotion will be governed by seniority in the service, the yardman oldest in the service will be given preference if competent, but if considered not competent, he will be advised in writing if a letter is requested.

(f)    Yardmen leaving the service of their own accord forfeit all seniority rights, and if they re-enter, will be considered new employes.

(g)   Yardmen promoted to positions with the company or the United Transportation Union (T) will retain and accumulate seniority in the seniority district from which promoted.

(h)   No yardman will be entitled to exercise his seniority in claiming the right to work more than one assignment within any 24-hour period; nor will yardmen be required to work more than one assignment in any 24-hour period except in case of necessity, or to exercise his seniority in changing from one shift to another.

(i)     Yardmen who, on account of ill health of themselves or their family, desire to exchange seniority rights with yardmen on other seniority districts covered by this agreement will be permitted to do so if approved by the General Manager, General Chairman and employes involved.

(j)    road and Yard Rights.  Road men used temporarily in yard service will not acquire any rights in yard service and will be relieved as soon as yardman is available.

(k)  Division Seniority Rights.  (1) Yardmen were accorded division seniority rights effective August 15, 1931 and yardmen in service as of that date retain point seniority date held on August 15, 1931.  Yardmen employed after August 15, 1931 establish division seniority rights only.

The agreement of October 6, 1931, establishing division seniority for yardmen, effective August 15, 1931, is hereby modified to the extent that the three existing seniority districts on the Northern district are merged into two seniority districts on basis of territory now comprising the respective Nebraska and Wyoming Divisions, viz.:

(a)   Council Bluffs to east switch Cheyenne (Nebraska Division)

(b)  Cheyenne to Ogden (Wyoming Division)

The yardmen involved will carry their present division seniority date on the roster to which transferred, and the consolidated roster will be prepared in accordance with Section 1 of agreement of October 6, 1931, viz. - the senior employe in yard service in the territory now comprising the division will be shown on the roster as No. 1; the next senior employe to be shown as No. 2, and so on.

It is understood that if any further change is made in the territorial limits of the present Nebraska and Wyoming divisions, no change will be made in the seniority districts hereby established unless agreed to by the parties to this agreement.

(2)  Effective February 1, 1941, yardmen holding seniority on the division seniority roster, St. Joseph & Grand Island Subdivisions, Kansas Division, as of that date are accorded seniority date February 1, 1941 on the division seniority roster, Eastern and Western Subdivisions Division, Kansas Division, and yardmen holding seniority on the Eastern and Western Subdivisions as of that date are accorded seniority date of February 1, 1941 on the division seniority roster, St. Joseph & Grand Island Subdivisions.

Rights of yardmen establishing seniority date subsequent to February 1, 1941 will extend over all subdivisions of the Kansas Division.

(3)  (a) Yardmen who can hold a regular position in the yard in which employed may exercise seniority in other yards on the division only in case of permanent vacancies or additional positions.  Yardmen will be permitted to return to yard in which they hold point seniority at first opportunity.

Yardmen who can hold a regular position in the yard in which employed cannot transfer to other points on the division under provisions of this schedule Rule 12(k) (3) unless their seniority permits them to hold a regular position at such other point.  In other words a yardman who can hold a regular position in the yard in which employed cannot transfer to the extra board in other yards on the division.

(b)  An extra yardman may move to any point on the division in accordance with his division seniority either to a regular job or to an extra board at point where extra boards are maintained.  Extra yardman desiring to transfer to another yard will notify Superintendent, with copies to supervising officers in both yards, in writing of his desire, and he will obtain release before effecting the transfer.

(4)  (a) Additional regular positions and permanent vacancies at points other than named in paragraph (b) of this Section4, not filled by yardmen holding seniority at point where vacancy exists or additional position is established, will be bulletined for five days in all yards on the division, and senior applicant assigned.  During the life of the bulletin vacancy will be filled as provided by Section 5.

(b)  Vacancies or additional positions at Omaha, Council Bluffs, Grand Island, North Platte, Cheyenne, Laramie, Rawlins, Rock Springs, Green River, Evanston, Kansas City, Topeka, Marysville, Salina and Denver will not be bulletined.  Yardmen at other points who desire position in yards named on their division will make application in writing to Superintendent with copy to Local Chairman, and senior applicant assigned to position not filled by yardmen holding seniority at such point.

(5)  (a) Temporary vacancies at points where extra list for yardmen is not maintained will be filled as follows:

                                    Column No. 1                                      Column No. 2

                                                            NEBRASKA DIVISION

         Columbus\* and Beatrice\*                                  From yard extra list-Omaha

         Kearney                                                              From yard extra list-Grand Island

         Sidney\*                                                               From yard extra list-North Platte

         Sterling (Old Colorado Divn)                              From yard extra list-Denver

                                                            WYOMING DIVISION

         Rawlins\* and Hanna                                          From yard extra list-Laramie

         Rock Springs and Evanston                              From yard extra list-Green River

                                                            KANSAS DIVISION

         Topeka\*                                                              From yard extra list-Kansas City

         Ellis and Junction City\*                          From yard extra list-Salina

         Hastings\*                                                           From yard extra list-Marysville

         \*Extra lists are maintained.  However, if there are no yardmen available on the extra list at those points, the vacancy will be filled as provided by paragraph (b) of this Section 5.

(b)  If no yardmen are available on the extra list at point designated in Column 2, they will be taken from nearest point on division at which available.  Yardmen cut off working list at point where no extra list is maintained may at their option, remain at point where cut off, or go to any point on division where extra list is maintained.  Yardmen who elect to remain at point where cut off the working list may be used to fill vacancies at such point when senior yardmen on extra list designated in this rule are not available.

(6)  No compensation will be allowed yardmen for deadheading in carrying out provisions of this agreement.

(1)  Reducing Forces.  Yardmen laid off in reduction in force will retain and accumulate seniority and will be returned to service in the order of their seniority, provided they keep the superintendent advised of their current address.  Failing to return to service within 30 days after being notified by mail or telegram sent to the last address given, they will be considered out of service and forfeit seniority, unless granted leave of absence in accordance with Rule 15.

(m) Seniority List.  (1) Seniority rosters showing name and seniority date will be maintained for each seniority district.

Seniority rosters will be brought up to date and posted annually at a place accessible to all employes affected, and copy furnished Local and General Chairmen.

Local Chairman will be advised each ninety days of names of employes added to or removed from rosters between posting periods, and in case of employes removed, will be advised cause.  Each Local Chairman will be furnished with a copy of both yard and road seniority rosters which are pertinent to his location.

(2)  Seniority rosters will, prior to posting, be officially approved by the General Chairman and the General Manager.

Seniority dates of employes as shown on seniority rosters will be open for correction of errors.  Upon presentation of proof of error, correction will be made by agreement between the General Chairman and the General Manager.