



LOCAL COMMITTEE OF
ADJUSTMENT
UTU - LOCAL - 202
953 A

January 19, 2012
Organization file #464124800
USPS TRACKING# **7010 1060 0000 5391 4878**

To: Liz Dewald
Labor Relations
1400 Douglas Street STOP 0710
Omaha, NE. 68179-0710

Dear Liz,

This will serve as my formal notice of appeal to you for the following claim:

Craft/Title	Conductor
Claimant	JC Bavouset
EMP ID	434908
Claim Date	11/18-30/2011
=PE/Receipt for Claim #	464124800
Declination #:	4641248
Amount Claimed	\$All Lost Wages

On Claim Date Claimant was:

Assigned At:	WD640
Working Assignment:	BT01
Working From Board:	0006

ADDITIONAL SPECIFICS OF CLAIM:

The payment should be made of all lost wages on account CMS refused claimant to exercising his seniority in the Denver hub per the UTU 1996 National agreement article XII.

ARGUMENT:

Claimant was auto furlough by CMS robot call on 11/18/2011 at 12:46. Claimant was able to hold a position in the Denver hub at MJ439; board RT32, job PT02 as stated in the job history. The local chairman made several attempts through CMS to get the claimant moved from EA status to the job at MJ439. CMS management refused to allow the seniority move to happen.

- If an employee is reduced at his home point (& has no jobs he/she can hold), but that employee can work elsewhere in the hub, the employee has 48 hours to REQUEST to exercise their option to take furlough at their home point.
- If the employee fails to request their stay at home option within the prescribed time, they must exercise their seniority within the consolidated seniority district (Hub).
- The bump rule states that an employee must exercise their displacement right within 48 hours or he/she will be placed on the protecting extra board seniority permitting.
- That means if the employee fails to bump in 48 hours and CANNOT hold the extra board, their bump is continued indefinitely. The employee who is reduced at their home point, can no longer work at their home point but can elsewhere in the hub and fails to request furlough under "stay-at-home", can (and must) displace elsewhere in the hub, even if it is beyond the 48 hours.



UNITED TRANSPORTATION UNION

Specific, relevant agreement provision(s) and/or arbitration award(s) supporting claim:

I.A.W. UTU 1996 National Agreement Article XII Section 1.

ARTICLE XII - DISPLACEMENT

Section 1

(a) Where agreements that provide for the exercise of displacement rights within a shorter time period are not in effect, existing rules, excluding crew consist agreements, are amended to provide that an employee who has a displacement right on any position (including extra boards) within a terminal or within 30 miles of such employee's current reporting point, whichever is greater, must, from the time of proper notification under the applicable agreement or practice, exercise that displacement right within forty-eight (48) hours.

(b) Failure of an employee to exercise displacement rights, as provided in (a) above, will result in said employee being assigned to the applicable extra board, seniority permitting. (The applicable extra board is the extra board protecting the assignment from which displaced.)

Respectfully

Mike Harbin
Local Chairman UTU