

The sixty day time limit will not apply to obvious clerical errors. However, such errors must be protested in writing by the employee or in his/her behalf by a duly accredited representative of the Organization as defined in Rule 83.

- (d) Appeals on roster date or relative standing filed in accordance with the provisions of paragraph (c) of this Rule 16, will be held until the time limit of appeal has expired, following which all such appeals will be handled jointly by the appropriate Assistant Chief Engineer (Maintenance of Way and Structures or C&S/E.T.) and the representative and correction notice posted.
- (e) Copy of roster and correction notice will be furnished to the representatives of employees. Roster and correction notice will be signed by the appropriate Assistant Chief Engineer (Maintenance of Way and Structures or C&S/E.T.).

### **RULE 17 - ORDER OF SENIORITY - TIME OF EMPLOYMENT**

The order in which the names of employees who enter service on the same date and in the same class shall be shown on the seniority rosters on the following basis:

1. Length of previous service in the same class.
2. Length of previous service in other classes covered by these Rules.
3. Length of previous service on former railroad on positions not covered by these Rules.
4. In alphabetical order.

### **RULE 18 - REDUCTION IN FORCE-RETAINING RANK ON ROSTER**

- (a) When the force is reduced, employees affected shall have the right, within ten (10) days after the effective date of such reduction, to elect to take furlough or to exercise seniority to displace junior employees in accordance with the following provisions of this Rule.

An employee displaced in reduction of force who elects to exercise seniority may exercise seniority onto any position for which he is qualified by bid or displacement without loss of seniority. The requirement to exercise in class is deleted.

- (b) The Carrier may force assign the junior qualified employee in a working zone as defined in Rule 14 who is working in a lower class on the same shift to a vacancy in the same working zone which has gone no bid. A qualified employee is considered an employee who is qualified on the position to be filled and who has established seniority in the class of that position. Force assignment shall be made in writing to the affected employee and a copy of such written notice shall be promptly furnished the General Chairman. An employee who refuses to fill such assignment will forfeit seniority in the class of the position refused and all higher classes on the same seniority roster.
  - (1) The Carrier will not force assign an employee to a position in a work zone if another employee in the work zone possesses the necessary qualifications for the position although not having established seniority and has made application for such position.

- (2) Temporary vacancies will not be filled by the force assignment procedure.
- (3) Employees will not be forced to vacant positions for which they have no seniority.
- (4) Employees not working in gangs covered by Rules 89-90 at the time furloughed will not be forced to cover positions in gangs established pursuant to those rules.
- (c) If a vacancy cannot be filled in accordance with (b) above the appropriate Assistant Chief Engineer, or his representative will promptly meet with the appropriate General Chairman or his representative to determine how to fill the vacancy. However, the time required to fill the vacancy shall not be more than ten (10) days or the Carrier may assign the junior qualified employee in the working zone in a lower class.
- (d) It is not the desire of Amtrak or the Organization to reduce the total compensation of an employee force assigned under this rule. Upon written request by an employee force assigned under this rule, or his representative as designated in Rule 83 to the Division Engineer, with copy to the General Chairman, these respective officers, or their representatives, shall promptly meet for the purpose of determining if there are mutually agreeable ways to minimize any loss in total compensation.
- (e) A position filled by force assignment under this Rule shall continue to be advertised in accordance with the provisions of Rule 3 until filled through the normal advertisement and assignment process or abolished. The incumbent of such position shall be allowed a displacement in accordance with this rule should the position to which the incumbent was force assigned be subsequently awarded to another employee in accordance with Rule 3.
- <sup>5</sup>(f) An employee furloughed as the result of reduction of force, desiring to be recalled to active service shall file his name and address, as well as subsequent notice(s) of change, in writing, with the officer(s) designated by the Carrier. The employee will prepare three (3) copies of such notice and/or change notice(s), retaining one copy and filing two (2) copies with the officer referred to. One copy of such notice will be forwarded by AMTRAK to the General Chairman.

In the event an employee fails to file notice as set forth above, Amtrak may request, by certified mail to the employee's address of record, that the employee file such notice. Failure to comply with such a request may result in the application of Rule 21-A.

Amtrak shall not be subject to financial liability for failure to recall employees who do not file their name and address as required above.

The requirement for filing name and address will not apply to an employee who exercises seniority in reduction of force to another position covered by this Agreement.

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<sup>5</sup> Revised effective December 9, 1997.