

The word "seniority" as used in this Rule 1 means, first, seniority in the class in which the assignment is to be made, and thereafter, in the lower classes, respectively, in the same group in the order in which they appear on the seniority roster.

RULE 2 - QUALIFICATIONS FOR POSITIONS

- (a) In making application for an advertised position or vacancy, or in the exercise of seniority, an employee will be permitted, on request, or may be required, to give a reasonable practical demonstration of his qualification to perform the duties of the position.
- (b) In the event the employee requests, or is required, to give a reasonable and practical demonstration of his qualifications for a position, the Company must give uniform job related tests based on reasonable job related criteria in order to ascertain initial qualifications for positions. The General Chairman or his designated representative shall have the right to inspect the tests and/or criteria and results of such tests to determine that the application of such tests and/or criteria are uniform to all employees.
- (c) Upon becoming qualified for a position, an employee shall not be disqualified, other than for failure to maintain in current status qualifications on necessary rules or physical characteristics, without a hearing and investigation. An employee shall not be required to requalify for a machine similar to the machine he was operating in the event of a displacement or job award to such a similar machine.
- (d) When on-the-job training opportunities to operate Maintenance of Way machinery occur in a gang, employees within that gang who request such training in writing to the General Foreman or higher level supervisor of that gang shall be given the opportunity in seniority order. Such employees shall first be given the opportunity to qualify on AMT-1 and AMT-2 rules, as appropriate, and then, if so qualified, the opportunity to train with a qualified machine operator as requirements of service permit.

Should an employee so covered fail to make sufficient progress and/or qualify, he will be removed from such training and will be ineligible for consideration for future on-the-job training on the involved and similar machinery for a period of one year. If the employee so removed disputes his removal, the employee, or his representative may file a protest pursuant to Rule 75 with the appropriate Assistant Chief Engineer. Any other disputes under this Section (d) may also progressed pursuant to Rule 75.

RULE 3 - ADVERTISEMENT AND ASSIGNMENT TO POSITION

- (a) All positions and vacancies will be advertised within thirty days previous to or within five days following the dates they occur, except that temporary vacancies need not be advertised until the expiration of thirty days from the dates they occur.
- (b) Advertisements will show whether the positions or vacancies are of a permanent or temporary nature, and will be posted for a period of seven days at the headquarters of the gangs in the sub-department of employees entitled to consideration in filling the positions, during which time an employee may file his application. Advertisements shall be posted on Monday and shall close at 5:00 PM on the following Monday. Bids which are postmarked or received anytime during the application period will be considered.

- (c) Application for new position or vacancy advertised under this Rule 3 must be prepared on Bid Form with receipt attached thereto, properly filled out, and filed with the official whose name appears on the advertisement, who will detach receipt, sign, and return same to the applicant.
- (d) Awards will be made and bulletin announcing the name of the successful applicant will be posted within ten (10) days after the close of the advertisement. The ten (10) days may be extended by an equal number of work days when any of the nationally observed holidays enumerated in Rule 48 fall within the normal work week of the involved assignment office.

This rule shall not be construed so as to require the placing of employees on their awarded positions when properly qualified employees are not available at the time to fill their places, but physical transfers must be made within ten days.

- (e) An employee awarded a position who would establish seniority in the classification as a result of the award may only bid to equal or higher rated positions for the ninety (90) days from the effective date of the award. An employee displaced, abolished or disqualified from such position may exercise his rights as outlined in Rule 18 without loss of seniority except as provided in Rule 6. However, in the event an employee bids a lower rated position during this ninety (90) day period he/she will forfeit seniority in that higher class.
- (f) An advertisement may be canceled within seven (7) days from the date advertisement is posted.
- (g) An employee who desires to withdraw his bid or application for an advertised position or vacancy must file his request in writing, with the official whose name appears on the advertisement within seven (7) days from the date the advertisement is posted.
- (h) Nothing in these rules prohibits the Management from employing mechanics and according them seniority when there are no helpers qualified as mechanics.

RULE 4 - TEMPORARY POSITIONS AND VACANCIES - METHOD OF FILLING

- (a) A position or vacancy may be filled temporarily pending assignment. When the new positions or vacancies occur the senior available employees will be given the preference, whether working in a lower rated position or in the same grade or class pending advertisement and award.
- (b) An employee so assigned may be displaced by a senior employee working in a lower rated position or in the same grade or class, provided displacement is made prior to the starting time of the assigned tour of duty, by notice to the Foreman or other officer in charge. The latter employee will not be subject to similar displacement from such temporary assignment by a senior employee unless such employee is exercising seniority in accordance with Rule 18.
- (c) Employees temporarily assigned in accordance with the foregoing will be governed by the starting time, headquarters, tour of duty and rate of pay of the position so filled.