

Denied Seniority

This violation is straightforward, you call CMS and ask to be placed onto a board or job that you can hold, and are refused that right. Sometimes they claim it is to do with qualifications or familiarity, regardless, it is a violation.

This claim must be backed up with time stamps, when did you call, who did you talk to, and what starts did you miss due to not being allowed to place.

The appeal would look like this:

"It is the position of the Organization that this claim is supported by the schedule rules and should be paid accordingly. On (date of occurrence) Claimant was told by CMS that he was not allowed to exercise his seniority to (job/board ID). While the Claimant was not allowed to exercise his seniority, he missed (days/starts). The Carrier cannot show a valid reason for this restriction to stand. Claim is premised on BLE Contract rule 65(a). Please allow the Claimant (basic days/lost earnings) at the applicable rate for each day claimed account of his seniority being restricted."

Note: in addition to the timestamps for the affected member, also file copies of the member he was attempting to displace, work history, time slips, and a seniority roster showing their respective placings.