

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21633
Docket Number SG-21576

Joseph A. Sickles, Referee

(Brotherhood of Railroad Signalmen
PARTIES TO DISPUTE: (
(The Denver and Rio Grande Western Railroad **Company**

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood
of Railroad Signalmen **on** The Denver and Rio Grande
Western Railroad **Company:**

(a) The Denver and Rio Grande Western Railroad Company
violated their Agreement **with** the Brotherhood of Railroad Signalmen,
particularly Rules 9, 11, 39, 61 and 69, by not assigning Signalmen to
work on the signal gangs working on its property.

(b) The Denver and Rio Grande Western Railroad Company should
now pay the two (2) Assistant **Signalmen** with the most seniority on each
signal gang the difference between the compensation he received and the
compensation he would have received had he been receiving the rate of
Signalman. This claim is to **commence** for a period of 60 days prior to
filing initial claim dated April 2, **1974**/ and to continue for the
period of the violation. In event of change of personnel, the claim is
for the successors of the present elder employees (Assistant Signalmen).

General Chairman file: Gangs 4-2-74. Carrier file: **SG-1-75**

OPINION OF BOARD: Carrier asserts, at Page 11 of its Submission, that
a compromise settlement of this dispute was reached
on the property, and that the Organization could not - almost one month
later - unilaterally declare ". . .the offer is **now** withdrawn."

Our review of this **record** shows that after a considerable
amount of handling of the case on the property, the parties reached
agreement, in conference, on or about September 18, 1975. It was agreed
that Carrier would place one (1) signalman on each of the gangs on the
system. Carrier had complied with the settlement agreement concerning
two (2) of the three (3) gangs, but prior to compliance on the third
gang, the Carrier abolished same asserting that insufficient work
existed for that gang.

Unquestionably, Carrier's action of abolishing the third gang
could be questioned by submission of a claim pursuant to the procedures
of the Railway Labor Act. But, that is not tantamount to stating that

Carrier's action was a proper basis for the Organization to declare that the settlement reached previously was thus invalidated. See, for example, Award 21011:

" . . . it is well understood that oral settlement agreements, premised upon the informed good faith and integrity of the respective representatives, are **commonplace** in the handling of grievances. Even more basic is the accepted principle of labor relations that settlements in grievance handling by duly authorized representatives are final and binding on both parties and, absent express contractual requirement, are not subject to ratification or rejection by others away from the table. To hold otherwise would be to undermine the integrity and validity of the lower level grievance procedures on the property which are designed to facilitate and encourage prompt, equitable and binding resolution of claims short of arbitration."

This dispute was settled by the parties in conference, and they agreed upon the appropriate application of the agreement in such areas as presented here. Inasmuch as the dispute was settled, we find no basis for imposition of monetary damages.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the parties waived oral hearing;

That the Carrier and the **Employes** involved in this dispute are respectively Carrier and **Employes** within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the **Adjustment** Board has jurisdiction over the dispute involved herein; and

That the parties reached agreement upon the appropriate disposition of the dispute prior to its submission here.

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Claim disposed of as noted in Opinion of Board, and Findings,
above.

NATIONAL RAILROAD **ADJUSTMENT BOARD**
By Order of Third Division

ATTEST: *A. W. Paulos*
Executive Secretary

Dated at Chicago, Illinois, this 29th day of July 1977.