

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21048
Docket Number MW-21063

William M. Edgett, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees
(The Atchison, Topeka and Santa Fe Railway Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that:

(1) The Carrier violated its agreements with the Brotherhood of Maintenance of Way Employees when it assigned employees on Extra Gang 258 to work on one of their rest days (Saturday) without applying the overtime provisions of the Agreement (System File 11-1580-200-1).

(2) The claimants identified by name in Attachment "A" to our letter of claim presentation dated October 2, 1973, each be allowed an additional five (5) hours of pay at their respective straight-time rates for August 4, 11, 18, 25, September 1, 8, 15, 22 and 29, 1973 and for each date subsequent thereto that they are worked on one of their rest days.

OPINION OF BOARD: After a trial period and negotiation, the parties agreed to the conditions under which a compressed work week could be established. The agreement specified fixed rest days and work days.

Carrier decided to vary the rest days and instead of negotiating with the Brotherhood it made individual agreements with the affected employees. The individual agreements are without effect and Carrier stands in violation of both the Agreement with respect to compressed work weeks and its obligation to deal with the Brotherhood. It is a basic proposition in labor relations that the obligation to bargain runs to the organization and not to individual members.

The record shows that no one worked on August 4 and the claim for that date is not supportable. The claim is sustained for those persons shown on "Attachment A", which was submitted to Carrier on October 2, 1973, for each Saturday they worked under the compressed work week rules.

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

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

That the Agreement was violated.

A W A R D

Claim sustained to the extent stated in the Opinion.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A. W. Pauls
Executive Secretary

Dated at Chicago, Illinois, this 29th day of April 1976.