

SPECIAL BOARD OF ADJUSTMENT NO. 605

PARTIES) Hotel and Restaurant Employees and Bartenders International Union
TO) and
DISPUTE) Denver and Rio Grande Western Railroad Company

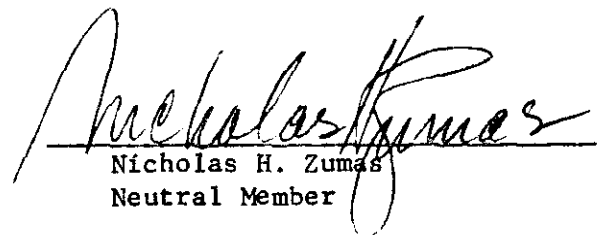
QUESTION
AT ISSUE: Is Albert J. Burks deprived of his status as a protected employee under the February 7, 1965 Agreement by reason of not working all runs available to him when he had an agreement with the superintendent of the Dining Car Department permitting him, for personal reasons, to be selective in the runs that he would stand for?

OPINION
OF BOARD: A careful analysis of the record herein compels the conclusion that (1) Claimant's failure to bid on positions available to him, ^{1/} and (2) the Organization's settlement of January 17, 1967 of any and all claims during the period January 1, 1965 to December 1, 1966, deprived Claimant of his status as a protected employee under the February 7, 1965 Agreement.

Further, the permission granted to Claimant in July 1965 to be utilized on shorter runs did not constitute an "agreement" under the November 25, 1965 Interpretations.

AWARD

The answer to the Question at Issue is in the affirmative.


Nicholas H. Zumas
Neutral Member

1/ The bulletined assignments' duty requirements were consistent with Claimant's request for limited service.

Dated: Washington, D. C.
July 27, 1972