

SPECIAL BOARD OF ADJUSTMENT NO. 279

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES  
versus  
MISSOURI PACIFIC RAILROAD COMPANY

STATEMENT

OF CLAIM: Claim of the System Committee that:

- "(1) Carrier violated the Memorandum Agreement of September 16, 1980 when Trackman E. W. Oswald, Kansas Division, was allegedly not permitted to exercise displacement rights after the gang elected to work a three-day work week beginning March 29, 1982.
- (2) Claimant shall be allowed a total of 48 hours at his overtime rate for work in excess of eight hours on March 29, 30, 31 and April 5, 6, 7, 12, 13 and 14, 1982, and any future overtime until he is allowed to exercise seniority."

FINDINGS: The Carrier did not comply with the provisions of the Letter Agreement of September 16, 1980 requiring the signing of a form by gang members and provision of a copy thereof to the General Chairman when it changed the claimant's schedule to a three-day work week. The fact that he was offered a cutoff letter does not obviate that agreement requirement.

When the claimant later bid to another gang and then bid back to this gang, he must be deemed to have signed for the three-day week and precluded any further claim, so his claim can only be sustained until he bid onto another gang.

AWARD: Claim sustained to the event stated in the findings.

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*Dudley E. Whiting*  
Dudley E. Whiting - Chairman

*M. A. Christie*  
M. A. Christie  
Employee Member

*W. E. Naro*  
W. E. Naro  
Carrier Member

March 9, 1984

File: 247-6462