

C O P Y

PROCEEDINGS BEFORE SPECIAL BOARD OF ADJUSTMENT NO. 366

PARTIES TO DISPUTE:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES)	
and)	Case No. 11
TEXAS AND NEW ORLEANS RAILROAD COMPANY)	Award No. 11

STATEMENT OF CLAIM:

Claim of the System Committee of the Brotherhood that:

1. The Carrier violated the effective Agreement by assigning the members of Extra Gang No. 306, San Antonio Division, to work from 4:30 p.m. to 12:30 a.m. at the pro rata rates of pay during the period beginning July 1, 1960 and continuing for the duration of this assignment.

2. Claimant members of Extra Gang No. 306, namely: Foreman B. J. Carpenter, Machine Operator Tommy Cook, Laborers Francisco Resendez, Refugio Ramirez, Manuel Escamilla, be now reimbursed for the difference in compensation received at the pro rata rates of pay and what they should have received at the time and one half rate for the period beginning July 1, 1960 (July 12, 1960 for Laborer Escamilla) and continuing until this violation of the Agreement is discontinued or their positions abolished.

3. The Carrier violated the provisions of Article 1, PRIOR CONSULTATION of the Mediation Agreement (Case No. A-5987) effective October 7, 1959, between this Brotherhood and participating Carriers, one of which is the Texas and New Orleans Railroad, when it failed to notify the General Chairman fifteen days in advance of making this material change in its work methods.

FINDINGS:

Upon the whole record and all the evidence, after hearing, the Board finds that the parties herein are carrier and employe within the meaning of the Railway Labor Act, as amended, and that this Board is duly constituted by agreement and has jurisdiction of the parties and of the subject matter.

For the reasons advanced in Case No.1, resulting in Award No. 1, this claim will be sustained. The claimants shall be paid at the punitive rate for all hours worked after 5:00 p.m. on the dates of claim.

AWARD: Claim sustained in accordance with the opinion.

(s) Thomas C. Begley
Thomas C. Begley, Impartial Chairman

(s) J. R. Russell - Dissenting
J. R. Russell, Carrier Member

(s) Arthur J. Cunningham
Arthur J. Cunningham, Brotherhood Member

Dated at Cleveland, Ohio, July 11, 1961.