

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Award No. 29729
Docket No. MW-29463
93-3-90-3-389

The Third Division consisted of the regular members and in addition Referee Herbert L. Marx, Jr. when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees
(
(Union Pacific Railroad Company (former
(Missouri Pacific Railroad Company)

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

- (1) The Agreement was violated when the Carrier bulletined positions on Gangs 1055, 1127, 1129 and 9183 with Saturday through Tuesday work weeks (Wednesday, Thursday and Friday as rest days) effective April 7, 1989 (Carrier's File 890581 MPR).
- (2) As a consequence of the aforesaid violation, Claimants T. N. Young, R. L. Best, I.J. McDaniel, T. B. Magruder, F. P. McDougal, E. R. Stapleton, B. J. Conley, R. A. Hunt, T. Palmer and E. Wallace shall each be allowed:

'... payment of the time and one-half rate for all hours worked on Saturday, and Sunday, and payment of eight (8) hours per day for Wednesday, Thursday, and Friday, which should be their normal work days, for a total thirty four (34) hours per week, at their respective straight time rates, from April 7, 1989, continuing thereafter, until such time that these positions are established in line with the agreement.'

FINDINGS:

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

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employe within the meaning of the Railway Labor Act as approved June 21, 1934.

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This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

Except as to the Claimants involved, this claim is identical to that reviewed in Third Division Award 29726, which is incorporated herein by reference. The Board reaches the same conclusion as in that Award.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest: Nancy J. Dever cal
Nancy J. Dever - Secretary to the Board

Dated at Chicago, Illinois, this 12th day of August 1993.