

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Award No. 37017
Docket No. SG-36979
03-3-01-3-550

The Third Division consisted of the regular members and in addition Referee Francis X. Quinn when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(Union Pacific Railroad Company)

STATEMENT OF CLAIM:

“Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Union Pacific Railroad Company:

Continuing claim on behalf of R. B. Dickey for payment of eight hours at the half-time rate for each day worked beginning on July 31, 2000, and continuing for the term of the violation. Account Carrier violated the current Signalmen’s Agreement, particularly Rule 8, when it improperly established a second shift position without advertising it for seniority choice. Carrier’s File No. 1244484. General Chairman’s File No. S-8-090. BRS File No. 11711-UP.”

FINDINGS:

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

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

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

Parties to said dispute were given due notice of hearing thereon.

The Claimant, a Signal Maintainer, alleges he was changed from one shift to another in violation of Rule 8 (Change of Shift). The claim challenges the adjustment of starting times without bulletining the post for seniority bid. The implication is that, had the Carrier re-bulletined the job, everything would be fine.

In essence, the Claimant is seeking a penalty for being required to work different shifts. In truth, had the job been re-bulletined, the Claimant would not necessarily have been the beneficiary. Moreover, if the Carrier had re-bulletined the job, Rule 32 would have been controlling. The language of Rule 32 contains no obligation to re-bulletin a job in these circumstances. There is no violation of the Agreement.

AWARD

Claim denied.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an Award favorable to the Claimant(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Dated at Chicago, Illinois, this 18th day of May 2004.