

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Award No. 37021
Docket No. SG-37246
03-3-02-3-168

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:

Claim on behalf of R. B. Dickey for eight hours at straight time rate for each Tuesday and Wednesday that he was required to take as rest days and eight hours at the half-time rate for each Saturday and Sunday (1st and 3rd shifts) that he was required to provide weekend coverage starting December 9, 2000, and continuing until this dispute is resolved. Account Carrier violated the current Signalmen's Agreement, particularly Rule 5, when it improperly assigned the Claimant to work Saturday and Sunday as part of his normal workweek. Carrier's File No. 1259015. General Chairman's File No. S-5-127, BRS File Case No. 11955-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.

In a letter dated February 2, 2001, the Organization filed a continuing claim contending the Carrier violated Rule 5 when it changed the Claimant's workweek. This is the same issue found in Third Division Award 37018. The gravamen of the complaint is that the Carrier violated the Agreement when it established seven-day positions in July 2000. The record reveals that the Carrier had demonstrated an increased level of activity that necessitated weekend maintenance. Furthermore, because the claim was filed more than 60 days after July 12, 2000, it is also untimely. See Third Division Awards 23953, 30011, 35583, 35967, and 36980.

AWARD

Claim dismissed.

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.