

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION**

Award No. 36585  
Docket No. SG-36359  
03-3-00-3-603

The Third Division consisted of the regular members and in addition Referee James E. Mason when award was rendered.

**PARTIES TO DISPUTE:** (Brotherhood of Railroad Signalmen  
(The Kansas City Southern Railway Company)

**STATEMENT OF CLAIM:**

**“Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Kansas City Southern Railroad (KCS):**

**Claim on behalf of J. M. McDonald for payment of 35 hours at the time and one-half rate. Account Carrier violated the current Signalmen’s Agreement, particularly Rule 12(a), when on June 18 and 19, 1999 (the Claimant’s assigned weekend off), it required the Claimant to perform standby service and then failed to compensate him for doing so. Carrier’s File No. K0699-5336. General Chairman’s File No. BRS 9902712. BRS File Case No. 11320-KCS.”**

**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.**

This case involves the same Rules, arguments and positions as are contained in Third Division Award 36584. It is not necessary that they be repeated here. Rather, by reference, the Findings and conclusions set forth in that Award are made a part of this Award.

**AWARD**

Claim sustained in accordance with the Findings.

**ORDER**

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) be made. The Carrier is ordered to make the Award effective on or before 30 days following the postmark date the Award is transmitted to the parties.

**NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division**

**Dated at Chicago, Illinois, this 16th day of June 2003.**