

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 37018
Docket No. SG-36980
04-3-01-3-551**

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 48 hours at half-time rate. Account Carrier violated the current Signalmen’s Agreement, particularly Rule 5, when on six consecutive Sundays in July and August of 2000, Carrier required the Claimant to perform ordinary maintenance and failed to compensate him at the overtime rate for doing so. BRS File Case No. 11858-UP.

Carrier File Numbers

General Chairman’s File Numbers

1244479	S-5,E-095
1244478	S-5,E-093
1245865	S-5,E-098
1245866	S-5,E-101
1245868	S-5,E-104
1245863	S-5,E-106”

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 dispute consists of six claims by the Claimant involving the same issue. The Claimant was a Signal Maintainer. The Carrier moved to seven-day maintenance. The Claimant's schedule was changed from his regular five-day a week position Monday through Friday.

Rule 5 D of the Agreement provides:

"where the nature of the work is such that employees will be needed seven days each week, any two consecutive days may be the rest days in favor of Saturday and Sunday."

The Carrier demonstrated a significant level of activity that necessitated staggered workweeks. Operational requirements were such that Saturday - Sunday maintenance was required. Rule 5 D provides a means to meet those requirements through staggered workweek scheduling. See Third Division Award 30011 and Second Division Award 8982.

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.