

**NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION**

**Award No. 44620  
Docket No. MW-45712  
22-3-NRAB-00003-190481**

**The Third Division consisted of the regular members and in addition Referee Edwin H. Benn when award was rendered.**

**(Brotherhood of Maintenance of Way Employees Division -  
(IBT Rail Conference**

**PARTIES TO DISPUTE: (**

**(The Kansas City Southern Railway Company  
(former Gateway Western Railway Company)**

**STATEMENT OF CLAIM:**

**“Claim of the System Committee of the Brotherhood that:**

- (1) The Agreement was violated when the Carrier failed and refused to properly compensate Mr. S. Lemons for standby service from Saturday at 7:00 A.M. to Monday at 7:00 A.M. beginning December 23, 2017 and continuing every third week [System File 17 12 23 (94)/K0418-7554A GAT.**
- (2) As a consequence of the violation referred to in Part (1) above, Claimant S. Lemons shall now be compensated a total of sixteen (16) hours at the time and one-half rate of pay and thirty-two (32) hours at the double time rate of pay which totals two thousand two hundred thirty-four dollars and seventy-nine cents (\$2,234.79) for the Claimant plus late payment penalties based on the periodic rate of .0271% (Annual Percentage Rate of 9.9%) calculated by multiplying the balance of the claim by the daily periodic rate and then by the corresponding number of days over sixty (60) that the claim remains unpaid.”**

**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 is the same dispute addressed in Third Division Award 44621. The Claimant in this matter also bid on and was awarded a Bridge Tender position at Pearl, Illinois with the requirement for rotating on call assignments every third weekend, with the exception that the Claimant's hours were from Monday through Friday, 3:00 PM to 11:00 PM.

For reasons fully discussed in Third Division Award 44621, the Organization has not carried its burden requiring that this claim be denied.

**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 15<sup>th</sup> day of December 2021.