

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 44622
Docket No. MW-45714
22-3-NRAB-00003-190519**

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 to properly compensate Bridge Tender R. Hart for stand by service he was required to perform at the bridge at Pearl, Illinois beginning on January 6, 2018 and each third weekend thereafter [System File 18 01 06 (03)/K0418-7587 GAT].**
- (2) As a consequence of the violation referred to in Part (1) above, Claimant R. Hart shall now be compensated for ‘... a total of sixteen (16) hours at the time and one-half rate of pay, and thirty-two (32) at the double time rate of pay which totals \$2234.79 for the Claimant every third weekend starting from January 6, 2018 and continuing forward plus late payment penalties based on a daily 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 this 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, 7:00 AM to 3:00 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 15th day of December 2021.