

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 45418
Docket No. SG-47423
25-3-NRAB-00003-220581**

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

**(Brotherhood of Railroad Signalmen
PARTIES TO DISPUTE: (
(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:

Continuous claim on behalf of R. Dircksen, for compensation of the additional half-time rate each Saturday he is forced to work and 8 hours at his respective straight-time rate of pay for each Monday he is denied the work opportunity until returned to his Monday through Friday work week, account Carrier violated the current Signalmen’s Agreement, particularly Rule 5, when on February 10, 2021, the Carrier altered the Claimant’s work week to a Tuesday through Saturday with Sunday and Monday rest days, without showing an operational need existed to change the assigned work week. Carrier’s File No. 1754224, General Chairman’s File No. W-5-126, BRS File Case No. 5387, NMB Code No. 300 - Contract Rules: Assignments/Bulletins.””

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 claim raises the same dispute decided by the Board in Third Division Award 45417. As in Third Division Award 45417, in this case, the Claimant worked other than a Monday through Friday schedule.

The same evidence offered by the Carrier in Third Division Award 45417 was relied upon in this case by the Carrier to demonstrate the operational need for the schedule change – two specific examples cited in a February 26, 2021 letter from the Carrier’s Manager Signal Maintenance which gives a “couple crossing calls tickets that we have experienced recently on weekend around Oxnard”.

In Third Division Award 45417 the Board found:

“Turning to this case, while labeled as examples (perhaps implying that there are more), there are only two specific instances cited by the Carrier to support its position that operational requirements allowed it to change to a work schedule other than Monday through Friday – the Carrier’s February 26, 2021 letter from the Carrier’s Manager Signal Maintenance which gives a “couple crossing calls tickets that we have experienced recently on weekend around Oxnard”.

As the Organization argues, two specific examples cited by the Carrier are not enough to rebut the presumption of a Monday through Friday workweek to establish the operational need to change the Monday through Friday schedules.

The claim shall therefore be sustained. For the days on which the Claimant worked a schedule different from a Monday through Friday schedule, the Claimant shall be made whole as if he worked a Monday through Friday schedule with appropriate differences paid for overtime.”

The same result is required in this case.

AWARD

Claim sustained.

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 13th day of February 2025.