

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 45479
Docket No. SG-46993
25-3-NRAB-00003-240413**

The Third Division consisted of the regular members and in addition Referee Rachel Goedken when award was rendered.

**(Brotherhood of Railroad Signalmen
PARTIES TO DISPUTE: (
(National Railroad Passenger Corporation (AMTRAK)**

STATEMENT OF CLAIM:

“Claim on behalf of C.R. Gemmell, for the re-establishment of a regular work week of Monday through Friday with consecutive rests days of Saturday and Sunday, and compensation at the overtime rate of pay for all hours worked on Saturday and Sunday and 8 hours at the straight-time rate of pay for every Monday and Tuesday. Claimant is denied the ability to work starting on January 4, 2020, and continuing until returned to the traditional Monday through Friday workweek; account Carrier violated the Signalmen’s Agreement, particularly Rule 20, when on January 4, 2020, the Claimant was forced to bid the 7-day position. Carrier’s File No. BRS-158679-TC. General Chairman’s File No. AEGC-202010. BRS File Case No. 16534-NRPC(N). NMB Code No. 300.”

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.

The Claimant bid and was awarded a Signal Maintainer position at the Maintenance of Way Base in New Haven, Connecticut. This position had a tour of duty of 2:00-10:00 PM on Wednesday through Sunday with rest days of Monday and Tuesday. The Organization argues that the assignment is a five-day assignment and Carrier does not have the contractual right to create a five-day assignment that has rest days other than Saturday and Sunday unless the Carrier can show that it has an operational need and it is no longer practicable to maintain this line of road on a Monday through Friday basis.

The Carrier contends that the grievance was not timely filed. The Carrier asserts that the position with rest days other than Saturday and Sunday was created in 2018 and that the hours of work and rest days remained the same throughout all advertisements, including the fourth advertisement when the Claimant bid on the position. Accordingly, this claim, dated March 6, 2020, is beyond the 60-day filing requirement of Rule 56 and is untimely.

The Carrier also relies on Third Division Award No. 38346. In that case, claims were filed more than 60 days after the bulletins eventually awarded to Claimants were published. The arbitrator found that the Organization was on notice of any alleged improprieties with the bulletins when they were first posted and the Claimants were aware of the conditions of the position at the time the bulletins were posted and their bids were submitted. The arbitrator declined to find a continuing violation, finding that there was “a distinct act which triggered the running of the time period for filing claims - and that was the posting of the bulletins advertising the positions with the alleged improper rest days and tours of duty.”

The record shows two advertisements for this position, Wednesday-Sunday 2:00-10:00 PM with rest days of Monday and Tuesday. The first advertisement, dated May 2, 2019 was awarded to Maintainer Thomas Como effective May 13, 2019. The second advertisement, dated January 16, 2020 was awarded to the Claimant who began working the position on January 27, 2020.

Here, the advertisements for the position with the alleged improper rest days dated back to 2019. The Organization was on notice of any alleged impropriety at that time. Accordingly, this claim, dated March 6, 2020, is not timely filed

AWARD

Claim dismissed.

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 30th day of July 2025.