

The Second Division consisted of the regular members and in addition Referee David P. Twomey when award was rendered.

Parties to Dispute: { International Brotherhood of Electrical Workers
{ National Railroad Passenger Corporation

Dispute: Claim of Employees:

That under the current agreement the Carrier improperly contracted out to the Budd Company the refurbishing and repairs to car No. 21172 on or about June 27, 1977.

That accordingly, the Carrier be ordered to desist from contracting out this work and compensate the Claimants in equal pay the amount of hours as presented in this instant claim.

Findings:

The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employe or employees involved in this dispute are respectively carrier and employe 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 Organization filed a claim dated April 28, 1978, contending that Amtrak violated Rule 1 of the September 1, 1978 Agreement between Amtrak and the IBEW by subcontracting the refurbishing of Amtrak Coach #21172 to the Budd Company of Red Lion Road, Pennsylvania on or about June 27, 1977. This car was assigned to Seattle, Washington, for maintenance effective July 1, 1976 (with such work being performed by Burlington Northern employees). The car was in a wreck on Train Number 793, Vancouver to Seattle, on May 27, 1977; and the refurbishing work on the car was contracted out to the Budd Company effective June 27, 1977.

We have considered all of the arguments of the parties. We find that the time limit set forth in Rule 24(a) was not violated. We refer the parties to our decision in Award No. 8735 on contracting out by Amtrak. Based on the limited factual record of the instant case, we find that the Agreement and Amtrak's implied obligations under the Agreement have not been violated.

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Award No. 8734
Docket No. 8428
2-NRPC-EW-'81

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By


Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 10th day of June, 1981.