

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Dwyer W. Shugrue, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

UNION PACIFIC RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that:

(1) The Carrier violated the effective Agreement when it assigned the work of constructing a locker room building and other work incidental thereto at The Dalles Timber Treating Plant to a contractor whose employees hold no seniority under this Agreement;

(2) B&B Foremen C. F. Nearman, R. L. Willingham; B&B Carpenters Julius Swelha, Earl D. Bangs, F. F. Foster, Fred Holmquist, J. Rissi, William Berry, Edwin Hill, A. W. Toney, C. A. Elkinton; B&B Helpers V. M. Calavan, D. A. O'Connel, C. M. Dregne, W. L. Spangler; Masons J. Nickschinski, F. Otzenberger, and F. L. Wood each be allowed pay at their respective straight-time rates for an equal proportionate share of the total man-hours consumed by the contractor's forces in performing all carpenter and masonry work on the building referred to in part (1) of this claim;

(3) Painter Foreman W. E. Stitt; Painters E. D. Seagesen, L. A. Sager, W. J. Johnson, Joe May, and F. L. Ross each be allowed pay at their respective straight-time rates for an equal proportionate share of the total man-hours consumed by the contractor's forces in performing all painting work on the building referred to in part (1) of this claim;

(4) Water Service Foreman M. G. Berry be allowed pay at his straight-time rate of pay for an equal number of hours as was consumed by the contractor's forces in installing heating, sanitary, and water service facilities in the building referred to in part (1) of this claim.

EMPLOYEES' STATEMENT OF FACTS: The Carrier owns a Timber Treating Plant at The Dalles, Oregon which it leases to the Baxco Corporation. The lease provides that the Baxco Corporation will perform the maintenance work necessary to the operation of the plant and facilities, except for major repairs and new construction.

In 1953, the Carrier issued work order No. 6744, authorizing a new facility to be constructed at its Timber Treating Plant. Specifically, work order

All information and data contained in this Response to Notice of Ex Parte Submission are a matter of record or are known by the Organization.

(Exhibits not reproduced.)

OPINION OF BOARD: The instant docket together with Award 7443 and Award 7442, contemporaneously rendered, were considered together and all three disputes concern construction of certain facilities at the timber treating plant at The Dalles, the only difference being the individual structures involved and the method of handling their construction. The claim indicated the nature of the facility constructed. The parties are agreed that the same principles and issues are involved in all three dockets, i.e., was the carrier in violation of the Agreement because employees other than those within the coverage of the agreement performed the construction work in dispute. This docket must be governed by our reasons for holding in Award 7442 that the agreement was not violated.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

That the Carrier and the Employees involved in this dispute are respectively Carrier and Employees within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the agreement was not violated.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
BY Order of THIRD DIVISION

ATTEST: A. Ivan Tummon
Executive Secretary

Dated at Chicago, Illinois, this 2nd day of November, 1956.