

Award No. 14263
Docket No. MW-11915

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

Edward A. Lynch, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES

SOUTHERN PACIFIC COMPANY
(Pacific Lines)

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 and erecting a prefabricated metal building at Los Angeles, California to the Pascoe Steel Corporation.

(2) Each employe holding seniority rights in the Bridge and Building Sub-department on the Los Angeles Division seniority roster be allowed pay at his respective straight time rate for an equal proportionate share of the total man hours consumed by the Contractor's forces in performing the B&B work referred to in Part (1) of this claim.

(3) Each employe holding seniority rights in the Water Service Sub-department on the Los Angeles Division seniority roster be allowed pay at his respective straight time rate for an equal proportionate share of the total man hours consumed by the Contractor's forces in performing the Water Service work referred to in Part (1) of this claim.

EMPLOYEES' STATEMENT OF FACTS: On or about January 2, 1959, the work of constructing and erecting a prefabricated steel building approximately 80 feet in width by 500 feet in length, in the Carrier's Los Angeles General Shop area was assigned to and performed by the Pascoe Steel Corporation, without negotiations with or the concurrence of the employees' authorized representatives.

The work consisted of the necessary excavation, construction of concrete forms, placing and finishing concrete for foundations, floors and runways in and about the building, erection of the prefabricated steel building on the foundation, installing fire lines and the installation of the necessary water and sanitation facilities.

OPINION OF BOARD: There have been seven recent claims progressed by the Organization to the Third Division involving these same parties and the same issue. They were considered by six referees, and denial awards were issued in all seven cases, Award Nos. 9602, 10080, 10722, 10986, 11150, 11462, 14019.

Organization's reliance on Awards 7961 and 7962 by this referee affords the Organization no support. The facts are entirely dissimilar.

We will follow the prior Awards of this Division, and deny this claim.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

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 Employee involved in this dispute are respectively Carrier and Employee 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: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 24th day of March 1966.