

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 26480
Docket Number MW-26297

Rodney E. Dennis, Referee

PARTIES TO DISPUTE: ((Brotherhood of Maintenance of Way Employes
(Consolidated Rail Corporation

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

(1) The Carrier **violated** the Agreement when it assigned outside forces to clean right-of-way on the Holly **Secondary at Altoona**, Pennsylvania beginning September 26, 1983 (System Docket CR-582).

(2) As a consequence of the aforesaid violation, Machine Operator S. J. Kurchin shall **be** allowed pay at the Class 2 Machine Operator's rate, for **an equal** number of hours expended by outside forces in performing the **work** referred in Part (1) hereof beginning September 26, 1983."

OPINION OF BOARD: This Board has been presented with a number of Claims involving the subcontracting of Maintenance of Way work to outside forces. In reviewing and rendering Third Division Award No. 26314 (with Dissent **by Carrier Members**), we explained in detail the Board's position on use of **outside** forces. The rationale that applied to that case shall also be applied in this instance. We see **no reason** to repeat our presentation from Third Division Award 26314. We will apply the same concept of 50 percent liability for furloughed claimants in this **case as we did in** Third Division Award No. 26314.

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 Employes involved in this dispute are respectively Carrier and Employes 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 violated.

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Claim sustained in accordance with the Opinion.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 9th day of September 1987.