

The Third Division consisted of the regular members and in addition Referee Herbert L. Marx, Jr. when award was rendered.

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 Agreement was violated when outside forces were used to perform remodeling work on the north and east sides of the first and second floors of the 5500 Ferguson building at East Los Angeles, California, beginning on December 28, 1987 (System File 1561-52/880130).

(2) As a consequence of the afore-stated violation, Group 3 Bridge and Building Subdepartment Carpenters W. E. Peacock, R. D. Lee, E. L. Baker and T. Moreno shall each be allowed pay at their respective rates for an equal proportionate share of the number of man-hours expended by the outside forces performing the afore-described work beginning December 28, 1987 and continuing."

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 employees 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 waived right of appearance at hearing thereon.

On October 19, 1987, the Carrier served notice on the General Chairman of its intention to have an outside contractor perform remodeling work of its offices in East Los Angeles, California. After receiving a response from the General Chairman which contended that the work should be performed by maintenance of way forces, the Carrier nevertheless proceeded to have the contractor perform the work. The Claim herein followed.

Upon review of the entire record, the Board finds that the circumstances herein are virtually identical to those considered in Third Division Award 28610, involving the same parties. The reasoning in that Award is

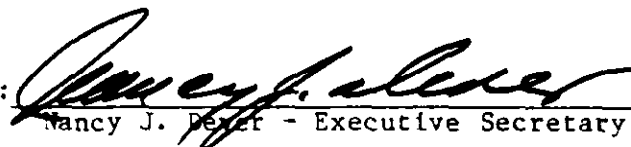
incorporated herein by reference. There is thus no need to discuss once again the arguments set forth by the parties in this Claim. However, note is taken of the many previous instances cited by the Carrier as to the performance by outside contractors of similar work.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Attest:

  
Nancy J. Dexter - Executive Secretary

Dated at Chicago, Illinois, this 3rd day of April 1992.