

The Third Division consisted of the regular members and in addition Referee John C. Fletcher when award was rendered.

PARTIES TO DISPUTE: ((Brotherhood of Maintenance of Way Employees
(Kansas City Southern Railway Company

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

(1) The Agreement was violated when the Carrier assigned outside forces (Caughern Construction) to unload track materials (angle bars) at Heavener, Oklahoma on June 1, 1987 [Carrier's File 013.31-320 (230)].

(2) The Carrier also violated Article IV of the May 17, 1968 National Agreement (Addendum No. 9) when it failed to furnish the General Chairman with advance written notice of its intention to contract out said work.

(3) As a consequence of the aforesaid violations, Section Foreman L. J. Roop, Trackmen R. D. Permenter, G. L. Alexander and E. A. Watkins shall each receive eight (8) hours of pay at their respective straight time rate."

FINDINGS:

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

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employes 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.

At issue in this case is whether or not the Agreement, particularly Article IV of the May 17, 1968, National Agreement, was violated when Carrier utilized the services of a contractor to unload company material. Unloading of company material, even if the company material is to be subsequently used in maintenance of way track, bridge and/or structure work, is not a task over which maintenance of way forces are entitled to make any claim. All classes of carrier employees, over the years engaged in the work of unloading and receipt of company material for their own work and that of other classes. Additionally vendors and contractors when appropriate have unloaded company material upon its receipt. The Claim is without merit, it will be denied.

Form 1
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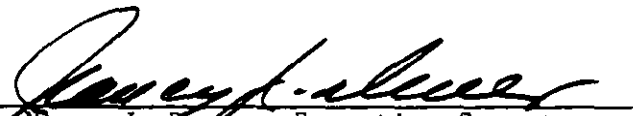
Award No. 29252
Docket No. MW-29159
92-3-90-3-15

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Beyer - Executive Secretary

Dated at Chicago, Illinois, this 12th day of June 1992.