

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 (Dean Bolser Trucking Company) to haul company material from Track #034 to the old locker room lot on May 13, 1987 [Carrier's File 013.31-320 (225)].

(2) The Carrier also violated Article IV of May 17, 1968 National Agreement 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 violations referred to in Parts (1) and/or (2) above, Claimants J. Candillo, R. Candillo, T. O'Donnell, L. Williamson, B. Rhodes, R. Green, M. Irwin, B. Shrout, J. E. Williams, R. Cabrera, F. Aguilera, D. Lopez, S. Terrazas and H. Drone shall each be allowed pay their respective rates for an equal proportionate share of the eight (8) hours extended by the contractor performing the work identified in Part (1) above."

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.

This Claim involves the use of a contractor's flatbed truck and driver to transport company material from one location to another. The event was a single occurrence. In Third Division Award 29252, involving these same parties and the same issue as that before the Board here, the Claim of the Organization was denied on the basis that all classes of employees, over the years engaged in the work of unloading and receipt of company material for their own work and that of other classes. The movement of company material from one location to another, in the fashion followed here, is basically no different. The Claim is without merit.

Form 1
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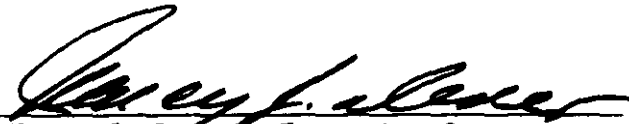
Award No. 29384
Docket No. MW-29163
92-3-90-3-18

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 17th day of September 1992.