

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award No. 30008
Docket No. MW-29535
94-3-90-3-480

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 the Carrier assigned or otherwise permitted outside forces (Pierce Fence Company) to construct and repair right of way fence between Mile Posts 903.75 and 911.50 in the vicinity of Altamont, Wyoming from May 22 through July 25, 1989 (System File S199/890679).
- (2) The Agreement was further violated when the Carrier failed to furnish the General Chairman with advance written notice of its intention to contract out said work as required by Rule 52.
- (3) As a consequence of the violations referred to in Parts (1) and/or (2) above, Claimant N. H. Trujillo, J. Medina, A. Guardiola and D. D. Fernandez shall each be allowed four hundred fifty (450) hours of pay at the B&B laborer's straight time rate and one hundred twelve and one-half (112.5) hours of pay at the B&B laborer's time and one-half 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 employee or employees involved in this dispute are respectively carrier and employee 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.

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Parties to said dispute waived right of appearance at hearing thereon.

This dispute is closely similar to that reviewed in Third Division Awards 30004 and 30007. The Board reaches the same conclusion.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest: Catherine Loughrin
Catherine Loughrin - Interim Secretary to the Board

Dated at Chicago, Illinois, this 21st day of January 1994.