

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISIONAward No. 30101
Docket No. MW-29485
94-3-90-3-415

The Third Division consisted of the regular members and in addition Referee Charlotte Gold 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 outside forces (Williams Company) to repair the Diesel Shop roof in North Platte, Nebraska on April 14, 15, 17, 18, 19, 20 and 21, 1989.
2. As a consequence of the aforesaid violation, B&B Foreman K.E. Peterson, Carpenters R.L. Sparks, D.M. Eckart, R.K. Hughes and I. Espinosa shall each be allowed fifty-two (52) hours of pay at their straight time rates."

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 employe 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 claim is the subcontracting of a roofing project in North Platte, Nebraska, on seven days between April 14 and 21, 1989. The Diesel Shop roof was repaired, using a spray-on fibered aluminum coating. The General Chairman received timely notice of the project and a conference was held.

As in Third Division Award 30100, a case involving the same parties and Agreement language, we find that the record reveals a

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mixed practice of Carrier's undertaking roofing work utilizing its own maintenance of way employees and outside contractors.

In the instant case, based on the record before us, we find that there is sufficient evidence that the Carrier was not adequately equipped to handle the work in this instance. Thus, the requirements of Rule 52 were met.

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 4th day of April 1994.