

**NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION**

Award No. 32222  
Docket No. MW-31294  
97-3-93-3-356

The Third Division consisted of the regular members and in addition Referee W. Gary Vause when award was rendered.

**PARTIES TO DISPUTE:** (Brotherhood of Maintenance of Way Employes  
(National Railroad Passenger Corporation (AMTRAK))

**STATEMENT OF CLAIM:**

“Claim of the System Committee of the Brotherhood that:

- (1) The Carrier violated the Agreement when it assigned or otherwise allowed outside forces (Penn Mechanical) to perform B&B plumber's work, i.e., replacement of steam valves on Fan Nos. 30 and 31, at the 30th Street Station at Philadelphia, Pennsylvania on April 9 and 10, 1992 (System File NEC-BMWE-SD-3144 AMT).
- (2) The Carrier violated the Agreement when it assigned or otherwise allowed outside forces (Penn Mechanical) to perform B&B plumber's work, i.e., replacement of steam valves, at the 30th Street Station at Philadelphia, Pennsylvania on April 13 and 14, 1992 (System File NEC-BMWE-SD-3143).
- (3) The Agreement was further violated when the Carrier failed to give the General Chairman advance written notice of its plans to contract out the work described in Parts (1) and (2) above.
- (4) As a consequence of the violations referred to in Parts (1) and/or (3) above, B&B Plumbers J. Carr, J. Scheck and F. Lawler shall each be allowed sixteen (16) hours' pay at their respective straight time rates.

- (5) As a consequence of the violations referred to in Parts (2) and/or (3) above, B&B Plumbers J. Carr, J. Scheck and F. Lawler shall each be allowed sixteen (16) hours' pay at their respective 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 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.

Parties to said dispute were given due notice of hearing thereon.

The Organization asserts that the Carrier violated the Agreement when, without having given the General Chairman advance written notice of its intent to contract out, it assigned outside forces (Penn Mechanical) to replace steam valves at the 30th Street Station at Philadelphia, Pennsylvania, on April 9, 10, 13 and 14, 1992. The claims seek a total of 32 hours pay at the straight time rate on behalf of Claimants. J. Carr and J. Scheck were employed as B&B Plumbers, and F. Lawler was employed as a Plumber Foreman, all headquartered at 30th Street, Philadelphia, Pennsylvania, at the time of the incident which led to these claims.

Other than the type and nature of work contracted out at the Carrier's 30th Street Station, the arguments of the parties are the same as in Third Division Award 32220, including a challenge to this Board's authority to resolve the issue.

For the reasons set forth in that Award, this dispute is dismissed.

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**AWARD**

**Claim dismissed.**

**ORDER**

**This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.**

**NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division**

**Dated at Chicago, Illinois, this 17th day of September 1997.**