

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Award No. 32562
Docket No. MW-31767
98-3-94-3-17

The Third Division consisted of the regular members and in addition Referee Herbert L. Marx, Jr. when award was rendered.

**(Brotherhood of Maintenance of Way Employees
PARTIES TO DISPUTE: (
(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 (Furst Construction Company) to perform Steel Erection Subdepartment work (enclosing the North No. 1 canopy of the locomotive facility, i.e., the Diesel Shop) at Salt Lake City, Utah on September 21, 22, 23, 24 and 25, 1992 (System File H-7/930144).**
- (2) The Agreement was further violated when the Carrier's advance written notice of its intention to contract out said work was improper and when it failed to make a good-faith effort to reduce the incidence of contracting out scope covered work and increase the use of its Maintenance of Way forces as required by Rule 52(a) and the December 11, 1981 Letter of Understanding.**
- (3) As a consequence of the violations referred to in Parts (1) and/or (2) above, Western District Steel Erection employe R. L. Winn shall be allowed fifteen (15) hours' pay at the steel erection foreman's straight time rate, Western District Steel Erection employes J. L. Smith and R. R. Eden shall each be allowed forty (40) hours' pay at the bridge welder's/arc welder's straight time rate, Western District Steel Erection employe J. F. Berg shall be allowed forty (40) hours' pay at the 1st Class Steel Bridgeman's straight time rate and Western District Steel Erection employe T. F. Sweat shall be allowed forty (40) hours' pay at the steel bridgeman's/machine operator's 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 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.

This dispute concerns another part of the construction reviewed in Third Division Award 32561, and the Board reaches the same conclusions as in that Award.

AWARD

Claim denied.

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 29th day of April 1998.