

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 32859
Docket No. MW-30733
98-3-92-3-531**

The Third Division consisted of the regular members and in addition Referee Edwin H. Benn when award was rendered.

**(Brotherhood of Maintenance of Way Employes
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 (Prairie Construction and Cement Surgeons) to perform concrete and construction work in connection with the erection of a two-story addition within the existing interior of the Old Ice House in Council Bluffs, Iowa beginning March 8, 1991 and continuing (System File S-502/910489).**
- (2) The Carrier also violated the Agreement when it failed to furnish the General Chairman with proper 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, B&B Foreman T. G. Bowley and Carpenters S. M. Foster, R. D. Cutsor and R. L. Jones shall each be allowed pay at their respective rates of pay for an equal proportionate share of the total number of man-hours expended by the contractor's forces beginning March 8, 1991 and continuing until the violation ceases to exist."**

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.

By letter dated September 7, 1990, the Carrier notified the Organization of its "... intent to solicit bids to cover the remodeling of the interior painting of the exterior of the Ice House located in Council Bluffs, Iowa." Conference was held on October 22, 1990. The Carrier contracted the work which was performed beginning March 8, 1991. This claim followed.

Prior notice of contracting was given by the Carrier as required by Rule 52(a). For the proposition that the kind of work involved in this dispute has been contracted out in the past, see Third Division Awards 30198, 29037 and Awards cited therein.

This claim shall therefore be denied.

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 21st day of October 1998.