

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 26545  
Docket Number MW-26298

Rodney E. Dennis, Referee

PARTIES TO DISPUTE: ( Brotherhood of Maintenance of Way Employes  
( Consolidated Rail Corporation

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood  
that:

(1) The Carrier violated the Agreement when it assigned ditch cleaning and brush removal work on the Allegheny Division to outside forces September 6 to October 17, 1983 (System Docket CR-581).

(2) As a consequence of the aforesaid violation, Machine Operator H. A. Brown shall be allowed two hundred sixty-four (264) hours of pay at the Class 2 machine operator's straight time rate."

OPINION OF BOARD: This Board has been presented with a number of Claims involving the subcontracting of Maintenance of Way work to outside forces. In reviewing and rendering Third Division Award No. 26314 (with dissent by Carrier Members), we explained in detail the Board's position on use of outside forces. The rationale that applied to that case shall also be applied in this instance. We see no reason to repeat our presentation from Third Division Award 26314. We will apply the same concept of 50 percent liability for those Claimants who were furloughed in this case as we did in Third Division Award No. 26314.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

That the Carrier and the Employes involved in this dispute are respectively Carrier and Employes within the meaning of the Railway Labor Act, as approved June 21, 1934;

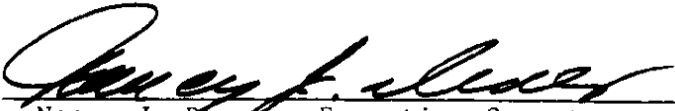
That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the Agreement was violated.

A W A R D

Claim sustained in accordance with the Opinion.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Attest:   
Nancy J. Devel - Executive Secretary

Dated at Chicago, Illinois this 30th day of September 1987.