

The Third Division consisted of the regular members and in addition Referee Rodney E. Dennis when award was rendered.

(Brotherhood of Maintenance of Way Employes  
PARTIES TO DISPUTE: (  
(National Railroad Passenger Corporation - (Amtrak)  
Northeast Corridor

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

(1) The Carrier violated the Agreement when it assigned outside forces to perform cutting and welding work on the oil reclaiming tank at Philadelphia, Pennsylvania on September 14 and October 18, 1984 (System File NEC-BMWE-SD-1165).

(2) The Carrier also violated the Agreement when it did not give the General Chairman advance written notice of its intention to contract out said work.

(3) As a consequence of the aforesaid violations, Ironworker G. Fitzgerald and Welder R. Sheeran shall each be allowed sixteen (16) hours of pay at their respective time and one-half 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 employes 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.

Carrier contracted with SCA Chemical Service Company to perform a periodic cleaning of its Race Street oil/water separator system, as well as removal of accumulated oils and sludge from this system, which includes associated tanks, equipment and piping. The decontamination process required that an opening be cut in the oil reclaiming tank for access to the interior. After decontaminating the tank, a plate was welded to close the opening.

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Award No. 27736  
Docket No. MW-27113  
89-3-86-3-168

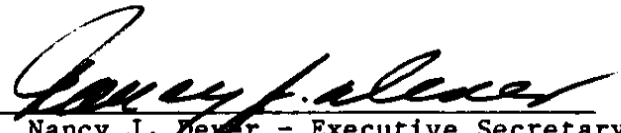
Such work and all functions coincidental to the decontamination process have routinely been performed by licensed contractors utilizing skilled personnel and specialized equipment.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Attest:

  
Nancy J. Deyer - Executive Secretary

Dated at Chicago, Illinois, this 2nd day of March 1989.