

The Third Division consisted of the regular members and in addition Referee John C. Fletcher when award was rendered.

(Brotherhood of Maintenance of Way Employes
PARTIES TO DISPUTE: (
(Kansas City Southern Railway Company

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

(1) The Agreement was violated when the Carrier assigned outside forces to perform track work (repairing a sun kink) on Track 035 at the KCS Roundhouse on July 24, 1987 [Carrier's File 013.31-320 (241)].

(2) The Carrier also violated Article IV of the May 17, 1968 National Agreement when it failed to furnish the General Chairman with 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, Messrs. R. Cabrera, R. Green, B. Shroust, R. Garcia, M. Irwin, L. Williamson, B. Cooper and D. Lopez shall each be allowed two (2) hours of 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 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.

The arguments and evidence submitted by the Organization in this Docket are identical to those dealt with in Third Division Award 29253. In that Award the Board sustained the Claim on the basis that Carrier failed to provide the Organization with notice required under Article IV of the May 17, 1968 Agreement. However, the Board did not allow Claimants' compensation. That Award will be followed here.

Form 1
Page 2


Award No. 29257
Docket No. MW-29221
92-3-90-3-93

A W A R D

Claim sustained in accordance with the Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 12th day of June 1992.