

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISIONAward No. 30000
Docket No. MW-29430
94-3-90-3-352

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

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employes
(Union Pacific Railroad Company

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

- (1) The Agreement was violated when the Carrier used an outside concern to perform truck driving in connection with the transportation of track material and equipment in the area of Portland, Perry, Meacham, Huron and Huntington, Oregon beginning on January 28, 1989 (System File S-166/890457).
- (2) The Agreement was further violated when the Carrier did not give the General Chairman advance written notice of its intention to contract out the work involved here in accordance with Rule 52.
- (3) As a consequence of the violations referred to in Parts (1) and/or (2) above, Truck Operator T. W. Brown shall be allowed pay for two hundred forty (240) hours at his straight time rate of pay, two hundred eighty-two (282) hours at his time and one-half overtime rate of pay for the period January 28 through March 10, 1989 and pay for all hours expended by the above employee of the outside concern beyond March 10, 1989 and continuing."

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 employe 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.

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Except that it involves transporting of track material rather than other work in connection with the weather emergency, this dispute is closely similar to that reviewed in Third Division Award 29999, and the Board reaches the same conclusion.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest: Catherine Loughrin
Catherine Loughrin - Interim Secretary to the Board

Dated at Chicago, Illinois, this 21st day of January 1994.