

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISIONAward No. 30102
Docket No. MW-29491
94-3-90-3-429

The Third Division consisted of the regular members and in addition Referee Charlotte Gold 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 assigned outside forces (The Roof Company) to perform roofing work on the Store Department Building in Cheyenne, Wyoming, on April 10, 11, 12, 13, 14, 17, 18, 19, 20, 21, 24, 25, 26, 27 and 28, 1989 (System File S-190/890649).
2. As a consequence of the aforesaid violation, B&B Carpenters J.W. Lamons, G.B. Roper, J.J. Callahan, P.C. Curby, R.E. Rondeau, R.M. Galik and C.M. Tipsword shall each be allowed two hundred forty (240) 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 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.

With one exception, this claim is on all fours with that in Third Division Award 30100, involving the same parties and the subcontracting of the same type of rubber membrane roof on the Carrier building. In this instance, at issue was the reroofing of the Store Department Building in Cheyenne, Wyoming, between April 10 and 28, 1989. Both parties provided extensive data to support their positions. The one major difference between the two cases is

that the Organization acknowledged here that proper notice was given to the General Chairman of Carrier's intent to subcontract.

As in Award 30100, we conclude, based upon a thorough review of the facts, that the requirements of Rule 52 have been met for the purposes of subcontracting. As a consequence, the Claim must be denied. We find no need to repeat our discussion of the philosophical underpinnings of such a decision.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest: Catherine Loughrin / lw
Catherine Loughrin Interim Secretary to the Board

Dated at Chicago, Illinois, this 4th day of April 1994.