

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISIONAward No. 30231
Docket No. MW-29813
94-3-91-3-168

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 Employees
(
(CSX Transportation, Inc. (former Seaboard
(System Railroad)

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

- (1) The Carrier violated the Agreement when, without conferring and reaching an understanding with the General Chairman as required by Rule 2, it assigned outside forces (Tampa International Forest Products of Tampa, Florida) to perform maintenance work (recovering crossties on the right of way) on the Atlanta Division beginning January 15, 1990 and continuing [System File DWT-90-21/12(0-378) SSY].
- (2) As a consequence of the aforesaid violation, Foreman D. W. Thompson and Trackmen M. Alexander, C. Clement, K. J. Turner and C. Heard shall each be allowed pay at their respective straight time and overtime rates for an equal proportionate share of straight time and overtime hours expended by the contractor's employees performing the work referenced in Part (1) above beginning January 15, 1990 and continuing until the violation ceases."

FINDINGS:

The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee within the meaning of the Railway Labor Act as approved June 21, 1934.

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This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

Except as to dates, this dispute is identical to that reviewed in Third Division Award 30224, and the Board reaches the same conclusion.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest: Linda Woods
Linda Woods - Arbitration Assistant

Dated at Chicago, Illinois, this 8th day of June 1994.