

Award No. 31027
Docket No. MW-29098
95-3-89-3-529

The Third Division consisted of the regular members and in addition Referee Edwin H. Benn 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 Carrier violated the Agreement when it assigned outside forces to perform concrete work, i.e., construction of a loading ramp and/or dock, at the southwest corner of the Diesel Shop in North Platte, Nebraska on October 8, 10, 11, 12, 13, 14, 15, 17, 18, 19 and 20, 1988 (System File S-71/890033).
- (2) The Agreement was further violated when the Carrier failed to give the General Chairman prior advance written notice of its plans 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, First Class B&B Carpenters J. P. Nila and T. G. Bowley shall each be allowed one-hundred sixty (160) 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 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.

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

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

By letter dated August 2, 1988, the Carrier advised the Organization of its "intent to contract the architectural services, mechanical, electrical work and construction work in connection with the erection of a temporary material handling facility located at North Platte, Nebraska." According to the Organization, the contractor commenced the work on October 8, 1988.

First, we are satisfied that the Carrier notified the Organization of its intent to contract out the work in dispute. The August 2, 1988 notice sufficiently encompassed the work in dispute and put the Organization on notice of the Carrier's intentions.

Second, with respect to the kind of work involved in this dispute, this Board has held that the Carrier can contract out such work. See Third Division Award 31035 and Awards cited therein. Those Awards are not palpably erroneous and, in the interest of stability, they will be followed.

AWARD

Claim denied.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Dated at Chicago, Illinois, this 1st day of September 1995.