

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Award No. 32221
Docket No. MW-31293
97-3-93-3-357

The Third Division consisted of the regular members and in addition Referee W. Gary Vause when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees
(National Railroad Passenger Corporation (AMTRAK))

STATEMENT OF CLAIM:

“Claim of the System Committee of the Brotherhood that:

- (1) The Carrier violated the Agreement when it assigned or otherwise allowed outside forces (Hyman Company) to install two (2) sheet metal louvers at the SEPTA ticket office at the 30th Street Station at Philadelphia, Pennsylvania on March 20, 1992 (System File NEC-BMWE-SD-3141 AMT).
- (2) The Agreement was further violated when the Carrier failed to give the General Chairman advance written notice of its plans to contract out said work.
- (3) As a consequence of the aforesaid violations, B&B Tinsmith E. Hollins shall be allowed eight (8) hours' pay at his straight time rate.”

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 were given due notice of hearing thereon.

The Organization asserts that the Carrier violated the Agreement when it assigned outside forces (Hyman Company) to install two sheet metal louvers at the SEPTA ticket office at the 30th Street Station at Philadelphia, Pennsylvania, on March 20, 1992 without having given the General Chairman advance written notice of its intent to contract out the disputed work. The claim seeks eight hours pay at the straight time rate on behalf of Claimant, who was employed as B&B Tinsmith headquartered at 32nd Street, Philadelphia, Pennsylvania, at the time of the incident which led to this claim.

Other than the type and nature of work contracted out at the Carrier's 30th Street Station, the arguments of the parties are the same as in Third Division Award 32220, including a challenge to this Board's authority to resolve the issue.

For the reasons set forth in that Award, this claim is dismissed.

AWARD

Claim dismissed.

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 17th day of September 1997.