

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 32864
Docket No. MW-31860
98-3-94-3-167**

The Third Division consisted of the regular members and in addition Referee Edwin H. Benn when award was rendered.

**(Brotherhood of Maintenance of Way Employees
PARTIES TO DISPUTE: (
(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 (Glen's Excavating) to perform Maintenance of Way and Structures Department work (excavating, preparatory work, concrete forming, tying rebar, pouring and finishing concrete, removing forms and cleaning up debris) in connection with the construction of a pad at the Oil Separation and Water Treatment Plant north of the 6th North Overpass in the Salt Lake City, Utah Yards on October 28, 29 and 30, 1992 (System File H-24/930230).**
- (2) The Agreement was further violated when the Carrier failed to furnish the General Chairman with a proper advance written notice of its intention to contract out said work or to hold good-faith discussions regarding the work prior to the contracting out of said work, as contemplated by Rule 52(a) and the December 11, 1981 Letter of Agreement.**
- (3) As a consequence of the violations referred to in Parts (1) and/or (2) above, Utah Division B&B Group 3 Carpenters W. D. Colvin and H. B. Jones shall each be allowed eighteen (18) hours' pay at the First Class Carpenter's 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 record shows that by letter dated October 15, 1992, the Organization acknowledged receipt of a notice from the Carrier dated October 9, 1992 stating the Carrier's "intent to solicit bids 'to cover construction of a concrete slab and removal of contaminated soil at the waste water treatment plant at Salt Lake City, Utah.'" In its October 15, 1992 letter, the Organization also requested the holding of a conference. Conference was held on November 13, 1992.

The Carrier contracted the work which was performed on October 28, 29 and 30, 1992. This claim followed.

Prior notice of contracting was given by the Carrier as required by Rule 52(a). There is nothing to demonstrate that any delay in holding a conference was attributable to the Carrier. For the proposition that the kind of work involved in this dispute has been contracted out in the past, see Third Division Awards 31651, 31172, 31035 and Awards cited therein.

This claim shall therefore be denied.

AWARD

Claim denied.

Form 1
Page 3

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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 21st day of October 1998.