

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 44942
Docket No. MW-45992
23-NRAB-00003-200465**

The Third Division consisted of the regular members and in addition Referee Jacalyn J. Zimmerman when award was rendered.

(Brotherhood of Maintenance of Way Employees Division
(IBT Rail Conference

PARTIES TO DISPUTE: (
(CSX Transportation, Inc.

STATEMENT OF CLAIM:

“Claim of the System Committee of the Brotherhood that:

(I) The Carrier violated the Agreement when it assigned outside forces (Dellinger Inc.) to perform Maintenance of Way Department work installing a new work bridge beside the existing railroad bridge located at Mile Post SG 419.1 on the Florence Division beginning June 5, 2018 and continuing (System File F338 t 3918/18-I 0889 CSX).

“(2) As a consequence of the violation referred to in Part (1) above, Claimants M. Jordan, J. Johnson, J. Welch and R. Kirby ‘... shall now be paid an equal portion of the manhours expended by the Contractor’s employees (currently 3300.0) at the proper rate of pay for the required class in overtime and that all time be credited towards vacation and retirement for the Claimants. Please advise when this claim will be allowed, and as to which pay period such payment will be made.”

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.

This claim involves the construction of a work bridge which was a temporary structure that is built by the subcontractors to support their work, which was properly contracted out. This Board finds that this work was part of the overall transaction that the Carrier properly contracted out. While the Organization provided statements establishing that its members have historically built work bridges, the statements seem to indicate that the employees built work bridges when they were going to perform the work off of the “work bridge”, and not when the contractor was going to be performing all of the work. Accordingly, the instant claim will be denied based solely upon the record as it was presented to this Board.

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 21st day of April 2023.