

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Award No. 45646
Docket No. MW-48358
26-3-NRAB-00003-240019

The Third Division consisted of the regular members and in addition Referee Patrick Halter when award was rendered.

(Brotherhood of Maintenance of Way Employes Division –
(IBT Rail Conference

PARTIES TO DISPUTE: (

(Soo Line 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 (RD Land Development LLC) to perform routine Maintenance of Way and Structures Department work (including, but not limited to, replacement of doors, windows, siding/roof and other work associated with remodeling of a storage shed and depot) in Kenmare, North Dakota on the Portal Subdivision beginning on May 9, 2022 and continuing (System File C-49-22-080-19/2022-0029410 SOO).
- (2) The Agreement was further violated when the Carrier failed to furnish the General Chairperson with proper advance written notice of its intent to contract out the work referred to in Part (1) above and when it failed to enter into good-faith discussions to reduce the use of contractors and increase the use of Maintenance of Way forces as required by Rule 1 and Appendix O.
- (3) As a consequence of the violations referred to in Parts (1) and/or (2) above, Claimants W. Springstead, D. Voeller, J. Kuss and B. Erickson shall now be allowed ‘... a proportionate share each of all straight time and/or overtime at their applicable rates of pay for all time, benefits, and work opportunities lost and to which they were

entitled by virtue of their seniority rights and regular assignments - but which they were denied beginning May 9, 2022 and continuing.”

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 Board reviewed the record and finds support for Part 1 of the claim. That is the Carrier assigned outside forces (RD Land Development LLC) to perform routine Maintenance of Way and Structures Department work (including, but not limited to, replacement of doors, windows, siding/roof and other work associated with remodeling of a storage shed and depot) in Kenmare, North Dakota on the Portal Subdivision beginning on May 9, 2022 and continuing.

In contracting out the work described in Part 1 of the claim, the Board finds a notice of intent to contract was not issued. That finding supports Part 2 of the claim. Based on the Board’s findings on Parts 1 and 2, the Board sustains the remedy in Part 3.

The Award captures the Board’s findings and conclusion on the claim.

AWARD

Claim sustained.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) be made. The Carrier is ordered to make the Award effective on or before 30 days following the postmark date the Award is transmitted to the parties.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division**

Dated at Chicago, Illinois, this 20th day of March 2026.