

Award No. 4
Case No. 6

Public Law Board No. 2630

PARTIES
TO
DISPUTE:

Brotherhood of Maintenance of Way Employees
and
Baltimore and Ohio Railroad Company

STATEMENT
OF
CLAIM:

Claim on behalf of Carpenters Edward L. Kidwell,
Steven E. Kesner, David V. Stonebraker and
Howard Courtney for 224 hours to be equally
divided at their respective rates of pay account
George Construction Company performing carpenter
and masonry work from February 14 to April 1,
1977, on three new block buildings at Cumberland
while claimants were furloughed.

FINDINGS:

Petitioner contends that Carrier's use of an
outside contractor, George Construction Company,
for the total design and construction of three
yard service buildings on a turnkey contract
basis is incompatible with its commitments under.

the Scope Rule. It is Carrier's position that it could properly farm out the work in view of the magnitude of the project, special skills involved and time in which the job had to be completed.

The controlling rules were considered in our Award No. 1 (Case No. 2) which resolved a similar dispute.

The work contract involved 2700 man days of work and every phase of the design and construction, including plumbing, masonry, carpentry and electrical features, were performed by the contractor. At the time the contract was let, all B & B employees were fully employed. These factors have not been explained away or rebutted by evidence, although they were presented while the claim was under discussion on the property.

On the basis of this record, it is our conclusion that the use of an outside contractor was permitted by Rule 1(b) 5(a) 1, 2 and 5.

AWARD: Claim denied.

Adopted at Baltimore, Maryland, *October 27*, 1980.

Harold M. Weston, Chairman

J. H. Conners
Carrier Member

William B. LaRue
Employee Member

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