

PUBLIC LAW BOARD NO. 2960

PARTIES Brotherhood of Maintenance of Way Employees

TO and

DISPUTE Chicago and North Western Transportation Company

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood that:

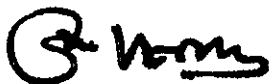
1. The Agreement was violated when outside forces were used to perform grading and paving of an asphalt parking lot on the Carrier's property in Des Moines, Iowa on September 28 through October 5, 1988 (Organization File 2PG-321T; Carrier File 81-89-30).
2. The Agreement was further violated when the Carrier did not give the General Chairman prior written notification of its plans to assign said work to outside forces.
3. Because of Parts 91) and/or (2) above, B&B Foreman L. W. Leivan, Carpenters S. J. Bishop, E. C. Lindloff, WSF Employees T. C. Black, G. N. Thorn and Machine Operator P. S. Green shall each be allowed pay for an equal and proportionate share at their respective rates for the 432 hours of work performed by Central Asphalt."

FINDINGS: This Board, upon the whole record and all of the evidence, finds that the Employees and Carrier involved in this dispute are respectively Employees and Carrier within the meaning of the Railway Labor Act as amended and that the Board has jurisdiction over the dispute involved herein.

OPINION OF THE BOARD: The claim asserts a violation of Rule 1. However, to prevail, the Organization would have to demonstrate to the Board's satisfaction that they either have a specific reservation to the work in question by language or that they have customarily performed it. They have not done either in this case. Consequently, no violation of the Agreement has been shown.

AWARD

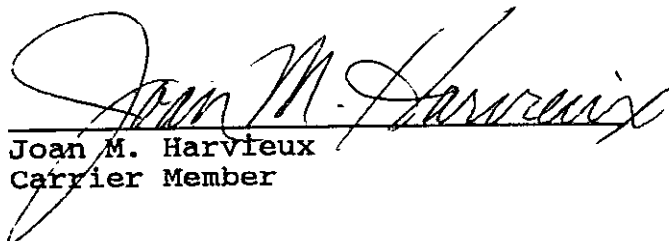
The claim is denied.



Gil Vernon, Chairman



D. D. Bartholomay  
Employee Member



Joan M. Harvieux  
Carrier Member

Dated: April 5, 1993