

PUBLIC LAW BOARD NO. 3765

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* Consolidated Rail System Federation *
Parties * Brotherhood of Maintenance of Way *
to the * Employees * Case No. 32
Dispute *
* vs. *
*
* Grand Trunk Western Railroad Company *
*

STATEMENT OF CLAIM

That Claimants R.D. Randall, B & B
Foreman, and R.E. Crandall Carpenter
be paid eight hours each for September
22 and 23, 1987 Account Carrier Contract
out driveway repaving at MoTerm
Ferndale, Michigan.

OPINION OF THE BOARD

Carrier contracted for the paving of a ramp at MoTerm in
Ferndale, Michigan. Carrier contended that the equipment needed to
perform the work was not available and its B & B employees did not
have the expertise to operate the equipment if they did have it.
Carrier also argued that it has always contracted out such paving
jobs. It presented numerous Contracts to support its position on this
point. It finally argued that even if the contracting was

inappropriate, no wages are due Claimants, since they were fully employed, under pay, on the claim dates.

Petitioner, in this instance, has not supported its claim that an Agreement violation took place. Paving has been contracted out in the past and Claimants were under full pay on the claim days. The Board can find no basis on which to grant this claim.

AWARD

The claim is denied.

R.E. Dennis
R.E. Dennis, Neutral Member

Jo A. DeRoche
Jo A. DeRoche, Carrier Member

K.R. Mason
K.R. Mason, Employee Member

February 20, 1991