

PUBLIC LAW BOARD NO. 4950

NEW JERSEY TRANSIT RAIL OPERATIONS, INC. :
"Carrier" : Case No. 35
vs. :
BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES : Award No. 7
"Organization" :

STATEMENT OF CASE

Claim on behalf of R. Dahmen, C. Calabro, H. Shumate,
E. Joseph for dates of June 15, 1987 and continuing
when Bus Mechanics were utilized to perform B&B work at
Penn Station, Newark.

OPINION OF THE BOARD

The Organization contends that Claimants were denied the opportunity to perform work within their jurisdiction when Carrier permitted the disputed work to be performed by others outside the bargaining unit. The Organization also contends that Carrier's handling of this matter on the property was procedurally deficient.

The Carrier maintains that the Organization was notified of the Carrier's intent to lease out spaces within Penn Station to various tenants and that it would be the responsibility of such tenants to perform the necessary work on their leased space. In addition, Carrier argues that the New Jersey Transit Bus, Inc. is a separate entity, and as such they are also considered a tenant within Penn Station and subject to the same provisions concerning


contracting out arrangements. In addition, Carrier contends that Claimants are not entitled to any compensation, notwithstanding the above previous arguments, because the work in dispute was performed on a straight time basis. Finally, the Carrier asserts that there was no procedural defect in this matter.


The Board has determined that the claim must be sustained on procedural grounds. As to the appropriate remedy, the Board determines that R. Dahmen is the only Claimant who should here receive compensation, as the other Claimants are no longer employed by Carrier. As to the amount of compensation, the Organization has been unable to show that more than two days work is here at issue. Accordingly, Claimant Dahmen shall receive 16 hours pay at the applicable straight time rate.

AWARD

Claim sustained consistent with the above Opinion.

W. B. Murphy
Carrier Member


W. E. LaRue
Organization Member


S. E. Buchheit
Neutral Member