

PUBLIC LAW BOARD NO. 6249

PARTIES) **BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES**
TO)
DISPUTE) **UNION PACIFIC RAILROAD COMPANY (FORMER ST. LOUIS**
 SOUTHWESTERN RAILWAY COMPANY)

STATEMENT OF CLAIM

Claim of the System Committee of the Brotherhood that:

1. The Agreement was violated when the Carrier assigned outside forces (Clarkson Construction) to perform Maintenance of Way work (dirt work to fill in canyon and knocking down hill to level ground for addition of new tracks) at Mile Post 171.4 in the Herington, Kansas Yard beginning April 17, 1995 and continuing (System File MW-95-46-CB/BMW 95-422).

2. The Agreement was further violated when the Carrier failed to make a good-faith attempt to reduce the incidence of contracting out scope-covered work and increase the use of its Maintenance of Way forces as required by Article 33 and the December 11, 1981 Letter of Understanding.

3. As a consequence of the violation referred to in Parts (1) and/or (2) above, Messers.

R. L. Hoffman, J. D. Evans, M. M. Applegate, J. J. Hagan, R. G. Thompson, S. K. Stallsmith, L. E. Robinson, W. S. Lampkin, A. E. Stodard, J. Heyward, S. Valencia, Jr., I. Cordero, E. A. Montoya, J. D. Thompson, C. R. Martinez, A. Espinoza and F. R. Rodriguez shall each be compensated at their respective rates of pay for an equal proportionate share of the total number of man-hours expended by the outside forces in the performance of work in question beginning April 17, 1995 and continuing until the violation ceased.

OPINION OF BOARD

The facts and issues raised in this claim are similar to those discussed in *Award 5* of this Board. For reasons discussed in that award, the claim has merit. The parties are directed to follow the remedy formulated in that award.

AWARD

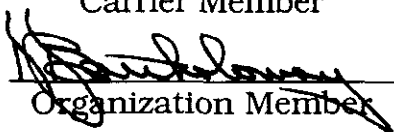
Claim sustained in accord with
the opinion.



Edwin H. Benn
Neutral Member



Carrier Member



Organization Member

Dated: 6-21-02