

AWARD NO. 7
CASE NO. 7

PUBLIC LAW BOARD NO. 6249

**PARTIES)
TO)
DISPUTE)** **BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES
UNION PACIFIC RAILROAD COMPANY (FORMER SOUTHERN
PACIFIC TRANSPORTATION COMPANY (EASTERN LINES))**

STATEMENT OF CLAIM

Claim of the System
Committee of the Brotherhood
that:

1. The Agreement was violated when the Carrier assigned outside forces (Asplundh Tree Experts) to perform Maintenance of Way work (cutting brush and tree limbs) between Mile Posts 15 and 16 on the Eagle Lake District on June 1, 1995 (System File MW-95-280/BMW 95-466 SPE)

2. The Agreement was further violated when the Carrier failed to give the General Chairman advance written notice of its intention to contract out the work in question in accordance with Article 36.

3. As a consequence of the violations referred to in Parts (1) and/or (2) above, Messrs. H. J. Singleton and R. J. Jack shall each be allowed eight (8) hours' pay at their respective straight time rates.

OPINION OF BOARD

The Organization asserts that the Carrier contracted brush/tree cutting work to an outside contractor (Asplundh) without prior notice in violation of Article 36 and the December 11, 1981 Letter of Agreement.

For reasons discussed in *Award* 6 of this Board, the claim shall be denied.

AWARD

Claim denied.

Zdr. H. Lam

Edwin H. Benn
Neutral Member

Neutral Member
W. E. Dero

Carrier Member

Organization Member

Dated: 6-21-02