

PUBLIC LAW BOARD NO. 6249

PARTIES) **BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES**
TO)
DISPUTE) **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 an outside contractor (J. C. Trucking Company) to haul a tie handler from the A&WE Shop in Denver, Colorado to San Antonio, Texas on November 19, 20, 21 and 22, 1996 (System File MW-97-51/1042585 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. The Agreement was further violated when the Carrier failed to act in good faith when it failed to rent or lease the equipment allegedly needed and failed to reduce the incidence of subcontracting and use Maintenance of Way employees.

4. As a consequence of the violations referred to in Parts (1), (2) and/or (3) above, Machine Operator R. W. Crim shall be allowed thirty-two (32) hours' pay at the machine

operator's straight time rate and sixteen (16) hours' pay at the machine operator's time and one-half rate.

OPINION OF BOARD

Without prior notice to the Organization, the Carrier utilized a contractor to move equipment between locations on the Eastern Lines and the D&RGW.

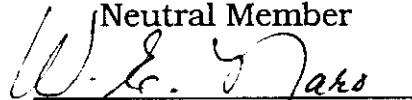
For the reasons set forth in *Award 13* of this Board, this claim shall denied.

AWARD

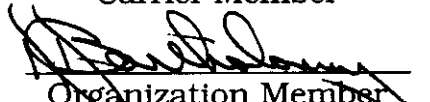
Claim denied.



Edwin H. Benn
Neutral Member



Carrier Member



Organization Member

Dated: May 2, 2002