

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 outside forces (W. B. Byler Construction Company) to perform Maintenance of Way and Structures Department work (removed and installed track panels, sub base materials, asphalt and ballast for street crossings) in the vicinity of Mile Post 125.6, on the Lafayette Division, New Iberia, Louisiana on December 21, 1996 through January 27, 1997 (System File MW-97-109/1056969 SPE).

2. The Agreement was further violated when the Carrier failed to furnish the General Chairman with advance written notice of its intent to contract out said work as required by Article 36.

4. As a consequence of the violations referred to in Parts (1) and/or (2) above, Machine Operators D. L. Mouton, W. J. Batiste, Sr., G. P. Buford and M. D. Rideau shall each be allowed one hundred seventy-

five (175) hours' pay at their respective straight time rates and one hundred sixty-eight and one-half (168.5) hours' pay at their respective time and one-half rates.

OPINION OF BOARD

Without prior notice to the Organization, the Carrier contracted the work described in the claim to outside forces.

The claim in this case raises similar issues decided in *Award 28* of this Board. For reasons fully discussed in *Award 28*, this claim shall be sustained with the same remedy.

AWARD

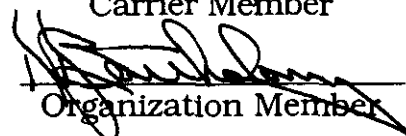
Claim sustained in accord with the opinion.



Edwin H. Benn
Neutral Member



Carrier Member



Organization Member

Dated: May 2, 2002