

PUBLIC LAW BOARD NO. 249

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES

vs.

NORFOLK AND WESTERN RAILWAY CO.

STATEMENT OF CLAIM:

1. The Carrier violated the effective Agreement on August 19, 20 and 21, 1968 when without prior consultation, it engaged the Bowman Brothers Contractor to construct a new middle ground shanty at Lima, Ohio.

2. Carpenter Foreman Fred L. Bales, Carpenter Oliver Hawk, Helpers Alvin Taylor and Michael Mooney now be made whole at their respective rates of pay for 24 hours at pro rata rate of pay.

OPINION OF BOARD:

Carrier violated its obligation under Article IV of the May 17, 1968 National Agreement to give timely advance notice to the Organization concerning the intent to contract out the disputed work, thereby providing the Organization the required opportunity to confer with Management for the purpose of reaching an understanding with respect to said contracting. It may be that no employees covered by the Schedule Agreement were available to perform this work, as Carrier now contends, but this is not a valid reason for depriving the Organization of its procedural rights under the above-cited Article IV. We will therefore sustain the claim to the extent of one-half the amount of compensation requested for each of the claimants.

AWARD:

Claim sustained to extent indicated in Opinion of Board.

ORDER:

Carrier shall comply with this award within 60 days from the date thereof.

*Lloyd H. Bailer*  
Lloyd H. Bailer, Chairman

*E. G. Psolla*  
E. G. Psolla, Carrier Member

*A. J. Cunningham*  
A. J. Cunningham, Employee Member

Dated: December 31, 1971