

PUBLIC LAW BOARD NO. 2960

PARTIES Brotherhood of Maintenance of Way Employees

TO and

DISPUTE Chicago and North Western Transportation Company

STATEMENT OF CLAIM: "Claims filed in behalf of Mr. R. Greul and Mr. J. Pope due to the Carrier assigning B&B duties to a contractor. Claimants must be compensated for 16.8 hours each at their respective straight time rates of pay for B&B foreman and carpenter."

and

"Claim filed in behalf of Mr. R. H. Greul and Mr. J. A. Pope, due to the Carrier's utilizing a contractor to install and (sic) overhead door at the Clinton Car Shop on February 7, 1990. Due to the violation of the effective Agreement by the Carrier, Claimants must be compensated for six hours each at the applicable rates of pay for their B&B positions."

FINDINGS: This Board, upon the whole record and all of the evidence, finds that the Employees and Carrier involved in this dispute are respectively Employees and Carrier within the meaning of the Railway Labor Act as amended and that the Board has jurisdiction over the dispute involved herein.

OPINION OF THE BOARD: The record indicates that the Carrier purchased an overhead door to be installed in its B&B Department at Clinton, Iowa. The Carrier decided to have its own forces, like it has many times, install the door. There can be no serious dispute that the B&B crew had difficulty with the door. It was a door type that they weren't particularly familiar with. Eventually the Carrier utilized the door vendor to repair the door.

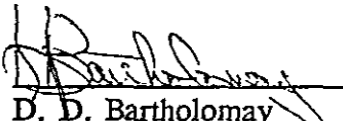
It is noted that the Parties engaged in debate over the issue of whether, generally speaking, BMWF forces have the right to install all overhead doors. It is not necessary to resolve the overall issue in the context of this case. This is because we are convinced that in this specific instance the Claimants--perhaps due to no fault of their own--did not have the skills to satisfactorily complete the job. Thus, the Agreement was not violated. This finding is limited to this particular case.

AWARD

The claim is denied.



Gil Vernon, Chairman and
Neutral Member



D. D. Bartholomay
Union Member



J. M. Harvieux
Carrier Member

Dated: October 31 1994.