

PUBLIC LAW BOARD NO. 6399

**CASE NO. 30
AWARD NO. 30**

**Brotherhood of Maintenance of Way Employes
Division - IBT Rail Conference**

and

**Norfolk Southern Railway Company
(former Norfolk & Western Railway Company)**

Claimants: J. Petty, C. Harnish, C. Jarnagin, J. Vance, III, and C. Overla

STATEMENT OF CLAIM:

“Claim of the System Committee of the Brotherhood that:

1. The Carrier violated the Agreement when it assigned outside forces (Holland) to perform Maintenance of Way and Structures Department work (operating Carrier-owned equipment performing ballast cleaning) between CP Vaughn and East Kingsland on the New Castle District, beginning on March 23, 2020 through and including April 13, 2020, instead of assigning employes J. Petty, C. Harnish, C. Jarnagin, J. Vance, III and C. Overla thereto (System File D-NS20AF-AF13/MW-FTW-20-71-LM-448 NWR).
2. The Agreement was further violated when the Carrier failed to provide a notification of intent to contract out BMWED work, as required by Appendix ‘F’.
3. As a consequence of the violations referred to in Parts (1) and/or (2) above, Claimants J. Petty, C. Harnish, C. Jarnagin, J. Vance, III and C. Overla shall now ‘... be compensated for all straight and overtime hours, worked by contractor Holland beginning March 23, 2020 thru and including April 13, 2020 at the applicable Foreman and Machine Operators straight and overtime rates of pay. ***”

FINDINGS:

The Board, after hearing upon the whole record and all the evidence, finds that the Carrier and Employee involved in this dispute are respectively Carrier and Employee within the meaning of the Railway Labor Act, as amended, that the Public Law Board 6399 has jurisdiction over the dispute involved herein and that the parties were given due notice of hearing thereon.

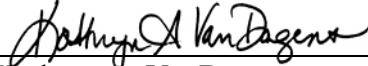
At a hearing before the Board, the Board determined that this claim has been settled and hereby issues an Award showing that it is dismissed.

AWARD

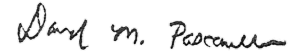
Claim dismissed.



Scott M. Goodspeed,
Carrier Member



Kathryn A. VanDagens,
Chairman



David M. Pascarella,
Employee Member

Dated: 2-23-2026