

AWARD NO. 79  
Docket No. 79

SPECIAL BOARD OF ADJUSTMENT NO. 279

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES  
versus  
MISSOURI PACIFIC RAILROAD COMPANY

STATEMENT  
OF CLAIM:

Claim of the System Committee of the Brotherhood that:

- (1) The Carrier violated the effective Agreement by assigning the work of laying 300' of 6" sewer line in the Kansas City Yards on or about June 15 and 16, 1959, to a contractor not covered by the Scope of the Agreement.
- (2) Assistant Water Service Foreman M. V. Morland, Water Service Repairmen--W. J. Green and O. E. Clute, and Water Service Repairmen Helpers--J. L. Enlow, A. G. Worley, L. H. Reinhardt and J. W. Scudder be now reimbursed for 16 hours each at their regular pro rata rates of pay account of this violation of Agreement referred to in part one of this claim.

FINDINGS: This claim involves work performed during the construction of a fully automatic electronic classification yard at Kansas City, Missouri, a project of considerable magnitude.

There is shown a letter dated February 9, 1959, from the Chief Engineer to the General Chairman, regarding two sections of work, one of which was contracted and one of which was to be performed by Carrier's forces.

The work here involved was not within either section mentioned in that letter but was adjacent to and connected with the section agreed to be contracted, so there is no violation of the Agreement there noted. In addition thereto, it is shown that there were no additional water service forces of the Carrier available to perform this work and that the shortage thereof had previously been called to the attention of the General Chairman.

Lack of Carrier forces to accomplish the work is a recognized basis upon which to justify contracting it out.

AWARD: Claim denied.

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(s) Dudley E. Whiting  
Dudley E. Whiting - Chairman

(s) A. J. Cunningham  
A. J. Cunningham - Employe Member

(s) G. W. Johnson  
G. W. Johnson - Carrier Member

St. Louis, Missouri  
September 7, 1962  
File F 247-3787