

SPECIAL BOARD OF ADJUSTMENT NO. 293

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES  
versus  
THE CENTRAL RAILROAD COMPANY OF NEW JERSEY

STATEMENT OF CLAIM:

- (1) The Carrier violated the agreement when, on June 24, 1957, it assigned or otherwise permitted an employe of the Salvatore Mille Contractors of Jersey City to perform Machine Operator's work required for and in the excavation for a foundation for the new Bridge and Building headquarters building at Jersey City, N. J.
- (2) Machine Operator John Swartzmiller now be allowed pay at his straight time rate for an equal number of hours as was consumed by the Contractor's employe in performing the work referred to in Part (1) of this claim.

OPINION OF BOARD:

This dispute concerns the Carrier's action in utilizing the services of an outside firm to perform certain excavation work. Said firm used a tractavator operated by one of its own employes in performing this work. The Carrier does not possess this particular type of equipment. It is Management's contention that the use of a tractavator was the most efficient and practical way of handling the involved excavation, and that it was unable to rent such equipment for this one-day operation without also accepting an operator from the outside firm. The Organization urges that the subject work is covered by the Agreement and that the Carrier's forces could have performed this task with such Carrier equipment as was available.

We conclude that the work in question is covered by the subject Agreement. We also note that it is work, rather than equipment, over which the contract between the parties holds jurisdiction. Because of certain unusual aspects in the facts of this case, however, we conclude that the requested compensation is not warranted.

The Board is of the opinion that hereafter the parties will avoid many disputes of this type if they confer together prior to the time that work has been contracted out.

A W A R D

Part (1) of the claim sustained. Part (2) of the claim denied.

(s) Lloyd H. Bailer  
Lloyd H. Bailer, Neutral Member

(s) A. J. Cunningham  
A. J. Cunningham, Employee Member

(s) C. S. Strang  
C. S. Strang, Carrier Member

Jersey City, N. J.  
November 30, 1959