

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 31792
Docket No. CL-31990
96-3-94-3-359**

The Third Division consisted of the regular members and in addition Referee John C. Fletcher when award was rendered.

**(Transportation Communications International Union
PARTIES TO DISPUTE: (
(National Railroad Passenger Corporation (AMTRAK)**

STATEMENT OF CLAIM:

"Claim of the System Committee of the Organization (GL-11057) that:

- (a) The Carrier violated the Rules Agreement effective September 1, 1976, as amended and revised, particularly Rules 3-C-1, 3-C-2, 4-C-1, 4-F-2, 9-A-1, 11-A-1, the Appendix E, Extra List Agreement and others when beginning on the date of July 25, 1992, Cleaners Positions held by L. Whitley and M. Carvajal were blanked because they were on loan to another department.,**
- (b) Claimant, M. Franco, relief days Monday and Tuesday, now be allowed eight (8) hours time and one half each and every Monday and Tuesday from July 25, 1992, until August 17, 1992, when this violation was stopped.**
- (c) Claimant, M. Way, relief days Saturday and Sunday now be allowed eight (8) hours time and one half each and every Saturday and Sunday from July 25, 1992, until August 17, 1992, when this violation was stopped.**
- (d) Claimant, P. Lightly, relief days Friday and Saturday, now be allowed eight (8) hours time and one half each and every Friday and Saturday from July 25, 1992, until August 17, 1992, when this violation was stopped.**

(e) Claimant, J. Delozier, relief days Monday and Tuesday, now be allowed eight (8) hours time and one half each and every Monday and Tuesday from July 25, 1992, until August 17, 1992, when this violation was stopped.

(f) Claim filed in accordance with Rule 7-B-1 and should be allowed."

FINDINGS:

The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee within the meaning of the Railway Labor Act, as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute were given due notice of hearing thereon.

This claim concerns the Carrier's temporary transfer of several Cleaners from under the supervision of the Passenger Services Department to the Mechanical Department, at Washington, D. C., to accommodate concerns of the Federal Drug Administration with respect to the cleanliness of passenger car equipment and train platforms. The Carrier contends the transfer of supervision over the Cleaners was an internal administrative function and the employees involved continued to report at the same location, with the same hours and rest days and did essentially the same work that they had been doing. The Organization contends that the employees were temporarily suspended from their regular duties and moved to unassigned positions in another department, which violated a number of Rules concerning increasing forces, abolishing jobs, assignment of work, absorbing overtime, and the Extra Board Agreement.

The Carrier has insisted from the very beginning of this claim that the only thing that changed was the department which Claimants were assigned to. Everything else about the positions remained unchanged. The Carrier maintains that no Rule of the parties' Agreement prohibits the realignment of the cleaning positions in the manner it was done. With this the Board must agree.

While the Organization cited several Rules it alleges were violated, we have not been told specifically how they were violated. Furthermore, application of the facts in this record, to the Rules cited, fails to support a conclusion that the Rules were violated. Accordingly, we are not able to conclude that the Agreement was violated.

AWARD

Claim denied.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division**

Dated at Chicago, Illinois, this 26th day of December 1996.