

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Award No. 31875
Docket No. CL-32013
97-3-94-3-376

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-11068) that:

(a) The Carrier violated the Rules Agreement effective September 1, 1976, as amended and revised, particularly Rules 3-C-2, 4-A-1, 4-C-1, Appendix E and others when it suspended the duties of Claimant W. Brunson and has her act as a lost and found agent for LaSalle.

(b) Claimant W. Brunson now be allowed three (3) hours overtime each of the following dates: July 17, 20, 21, 28, 29, 30, 31, 1992 and August 10, 12, 17, 18, 19, 20, 24, 25, 27, 28, 31, 1992 and September 1, 2, 3, 4, 7, 8, 9, 10, 11, 14, 1992 and to continue until this work is put on a position and a proper rate is negotiated in accordance with the applicable rules.

(c) Claim filed in accordance with Rule 7-B-1, and to continue until situation is corrected."

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.

Claimant was assigned as a Baggage Mail Clerk at Carrier's Washington, D. C. station. Her principle duties were lost and found. On the claim dates she was detached from her regular work location to perform lost and found work in the area of the LaSalle Partners' group, the managing agency for the Union Station. The Carrier says that this was done as an experiment to place all of Amtrak's Union Station lost and found activity in a single operation. The Organization filed the instant claim contending that the Claimant was suspended from her regular duties to absorb overtime in violation of Rule 4-C-1, reading:

"Employees will not be required to suspend work during regular hours to absorb overtime."

It is the Board's view that Rule 4-C-1 does not apply in this matter. Over the years the Board has held that rules similar or identical in text to Rule 4-C-1 could be violated in three types of situations:

1. An employee works overtime and later is suspended during regular scheduled work hours to absorb the overtime hours previously worked.
2. An employee is suspended during his regular scheduled work hours in anticipation that he will be needed to work overtime later.
3. An employee is suspended during his regular work hours to work duties that another employee would be entitled to work on overtime.

None of these three situations occurred in this case. The Rule relied upon by the Organization in support of its claim is not applicable here. The claim must be denied for failure to cite a Rule that supports the contentions of the Organization.

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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 4th day of March 1997.