

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Award No. 31877
Docket No. CL-32015
97-3-94-3-371

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-11064) that:

Local time claim in behalf of Commissary employees D. Wigfield, C. Christian and A. Long that:

(a) The Carrier violated the Rules Agreement effective September 1, 1976, particularly Rule 8-F-1, when it required the above named employees to purchase a commercial driver's license and did not reimburse employees.

(b) C. Christian now be allowed \$60.00, A. Long and D. Wigfield now be allowed \$40.00 each which was the cost of the license.

(c) 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.

As a result of revised Federal Regulations, Claimants, to be in compliance with the law, needed a Commercial Driver's License in order to operate Company vehicles in the performance of the duties of their assignments. The employees were given the day off with pay in order to secure their licenses, however they were not reimbursed for the cost of securing the licenses. This claim seeks recovery of the fees expended for the actual licenses. The Carrier defended against payment of the fees on the basis that no specific provision of the Agreement requires reimbursement of costs connected in securing a driver's license.

The Organization has not pointed to a single Rule that supports its claim for reimbursement of the fees expended by the Claimants to secure a Commercial Driver's License. Any time an employee works a position that requires that a motor vehicle be operated on public streets and highways it is expected that the employee possess a valid license. Before regulations were revised, it was expected that such employees would secure the license at their own expense. This situation was not changed when Federal Regulations required that such employees possess a valid Commercial Driver's License. The claim is without merit.

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.