

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 31967
Docket No. TD-31835
97-3-94-3-128**

The Third Division consisted of the regular members and in addition Referee Edwin H. Benn when award was rendered.

**(American Train Dispatchers Department\International
(Brotherhood of Locomotive Engineers**

PARTIES TO DISPUTE: (

(National Railroad Passenger Corporation (AMTRAK)

STATEMENT OF CLAIM:

"Various claims of E. A. Cratin and H. W. Brandt for dates in November and December 1992, account Carrier's violation of Rule 1 - Scope wherein it failed to call Claimants '...to work to REPORT trains and IDENTIFY track occupancies or trains in the Philadelphia Division's CETC System.'"

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 Third Party in Interest, the Southeastern Pennsylvania Transportation Authority (SEPTA) was advised of the pendency of this dispute, but it chose not to file a Submission with the Board.

Numerous claims in this matter resulting from use of the Carrier's computerized system for controlling and monitoring train movement ("CETC") in the Philadelphia office assert that the reporting and identifying of track occupancies and trains has been improperly transferred from Train Dispatchers to Train Directors and Assistant Train Directors.

The record shows that following the installation of remote input terminals associated with the CETC system, Train Directors commenced communicating identities of trains entering CETC territory directly to the CETC computer for use by the Train Dispatchers. The terminals also permitted Train Directors to obtain the identity of trains leaving CETC territory without communicating with the Train Dispatchers. From the record, it appears that the Train Directors enter train identities directly into the CETC system rather than verbally communicating that information to the Train Dispatchers for entry into the system or the Train Dispatcher entering that information from a printed train schedule.

Third Division Award 28640 between the parties is dispositive. A similar claim was denied on the following basis:

"... What has occurred is that, in those sections of the Carrier's network where CETC was implemented, train sheets were eliminated. The data that formerly had been placed on the train sheets by the Dispatcher is now placed directly into the computer by the Data Clerk. However, the Dispatcher continues to use the data in the performance of his duties.

In summary, there was an elimination of an intermediate step in the processing of data, and we find no violation of the Agreement under the facts presented."

We agree with that rationale. Under the facts presented in this case, an intermediate step in processing of data has similarly been eliminated. The Train Directors merely enter the data into the CETC system rather than communicating that information directly to the Dispatchers.

The fact that verbal notification of changes in normal order takes place does not change the result. That notification appears only to be a verification process for correct treatment of the trains. Nor would the fact that Dispatchers performed some of these

duties on an interim basis until the system was fully implemented with the installation of the system at remote locations change the result. That fact does not change the conclusion that in the end the form of the information given to the Dispatcher is the only thing that has changed. Award 28640, supra.

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 6th day of May 1997.