

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 32768
Docket No. CL-33714
98-3-97-3-169**

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

**(Transportation Communications International Union
(Allied Services Division)
PARTIES TO DISPUTE: (
(Illinois Central Railroad**

STATEMENT OF CLAIM:

"Claim of the System Committee of the Organization (GL-11711) that:

- 1. Carrier violated the Guaranteed Extra Board Agreement in effect at Memphis, Tennessee, when on January 31, 1996, it failed to call Clerk H. R. Wilson to fill a short vacancy on Position No. 1313, Inventory Clerk.**
- 2. Carrier shall now compensate Clerk H. R. Wilson eight (8) hours at his regular rate of pay."**

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.

On January 31, 1996, Claimant, a Guaranteed Extra Board employee, was called at 5:00 A.M. by the Chief Yard Clerk at Memphis, Tennessee, to fill a vacancy on Position No. 1337, starting at 7:00 A.M. Claimant indicated that he did not feel qualified for the job because it had been two years, possibly longer, since he had worked the assignment. The next junior employee was called and worked the vacancy. When the Chief Yard Clerk was relieved at 7:00 A.M., he discussed the matter with his relief and both determined that, under the circumstances, Claimant should not be "Red Xed" as missing a call. No such notation was placed against his name on the Extra Board.

At 8:00 A.M. the General Agent came on duty and after reviewing the Extra Board activity for the past 24 hours, instructed the Day Chief Clerk to "Red X" Claimant for missing an assignment. Once an employee is "Red Xed" he may not be called until all other employees on the Board have been called and offered work. The General Agent's decision to "Red X" Claimant caused him to be passed over that day for a 3:00 P.M. vacancy on Position No. 1313.

The claim before the Board seeks eight hours compensation for being bypassed on January 31, 1996.

A decision was made by one Chief Clerk and accepted by another Chief Clerk that Claimant was not qualified to work position No. 1337. That decision had ought not be countermanded by the General Agent two hours later. Claimant was entitled to be made aware of the possibility that he could be "Red Xed" if he did not accept the call for Position No. 1337. It is too late to do any "Red Xing" two hours later, after the opportunity to work a turned down position is long passed. The claim has merit.

AWARD

Claim sustained.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) be made. The Carrier is ordered to make the Award effective on or before 30 days following the postmark date the Award is transmitted to the parties.

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

Dated at Chicago, Illinois, this 23rd day of September 1998.