

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Award No. 33180
Docket No. CL-33874
99-3-97-3-360

The Third Division consisted of the regular members and in addition Referee Elizabeth C. Wesman 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-11749) that:

(a) The National Railroad Passenger Corporation (Amtrak) violated the rules of the Northeast Corridor Clerical Agreement, particularly the Extra List Agreement and other rules when it failed to call and work the employees listed below on the dates indicated, for positions of Mail and Baggage Attendants at Union Station, New Haven, Connecticut, and instead diverted employees from their regularly assigned Checkmen positions and required them to fill the vacant Mail and Baggage Attendant positions;

<u>Date</u>	<u>Claimant</u>	<u>Date</u>	<u>Claimant</u>
May 5, 1992	F. Grady	May 22, 1992	F. Grady
May 5, 1992	P. Capone	May 22, 1992	H. Mangini
May 9, 1992	H. Mangini	May 23, 1992	F. Grady
May 9, 1992	F. Grady	May 23, 1992	H. Mangini
May 10, 1992	F. Grady	May 24, 1992	F. Grady
May 10, 1992	H. Mangini	May 24, 1992	H. Mangini
May 11, 1992	H. Mangini	June 2, 1992	P. Capone
May 11, 1992	F. Grady	June 2, 1992	F. Grady
May 12, 1992	F. Grady	June 3, 1992	H. Mangini
May 12, 1992	P. Capone	June 3, 1992	F. Grady
May 13, 1992	P. Capone	June 4, 1992	H. Mangini
May 13, 1992	F. Grady	June 4, 1992	F. Grady

May 14, 1992	H. Mangini	June 5, 1992	F. Grady
May 14, 1992	F. Grady	June 5, 1992	H. Mangini
May 15, 1992	H. Mangini	June 12, 1992	F. Grady
May 15, 1992	F. Grady	June 12, 1992	H. Mangini
May 16, 1992	H. Mangini	June 18, 1992	P. Lanier
May 16, 1992	F. Grady	June 18, 1992	W. English
May 18, 1992	P. Capone	June 21, 1992	F. Grady
May 18, 1992	F. Grady	June 21, 1992	P. Capone
May 19, 1992	P. Capone	June 23, 1992	W. Austin
May 19, 1992	F. Grady	June 23, 1992	T. Mongillo
May 20, 1992	H. Mangini	June 28, 1992	P. Capone
May 20, 1992	F. Grady	June 28, 1992	F. Grady
May 21, 1992	H. Mangini	June 30, 1992	W. Austin
May 21, 1992	F. Grady	June 30, 1992	P. Lanier

(b) The National Railroad Passenger Corporation shall be required to compensate each senior, qualified, available employee named above for eight (8) hours pay for each date indicated account of these violations.

(c) This claim has been presented and progressed in accordance with Rule 7-B-1 of the Agreement 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.

The Organization's position in this case rests on the allegation that the Carrier violated the extra board provisions of the Agreement between the Parties by failing to call the Claimants and instead "diverting" other employees into the vacant positions. The Board has reviewed the evidence presented in this case thoroughly, and finds no evidence that the vacancies as described actually existed. Since there were no vacant positions, the reliance of the Organization on the provisions concerning calling of extra board employees is misplaced.

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 25th day of March 1999.