

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 33183
Docket No. CL-34102
99-3-97-3-647**

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-11835) that:

The following claim is hereby presented to the Company on behalf of Claimant(s), J. Brown, M. Jerew, J. Heilig, S. Leonardo, J. Brown, J. Kircher, and W. Jennings.

(a) The Carrier violated the July 21, 1972, as revised Amtrak-Corporate Clerical Rules Agreement, particularly, Rules 1 (Scope), 7, 14 and other Rules, when it assigned and permitted non-agreement Supervisor W. Coates, M. Hollister, R. Raglan, L. Fisher, M. Etheridge, A. Mears, and B. Boelger to perform the duties of Ticket Clerk/Usher Gateman (Announcements; Ticket Collection; Exchange/issue Boarding Passes; and Answering Customer Inquiries) for train 246 at 7:05 on February 27, 1996, located at ALB/RENSS Station Rensselaer, NY and failed to call and use Claimant(s) J. Brown, M. Jerew, J. Heilig, S. Leonardo, J. Brown, J. Kircher and W. Jennings to perform that work on that day;

(b) Claimant(s) J. Brown, M. Jerew, J. Heilig, S. Leonardo, J. Brown, J. Kircher and W. Jennings should now each be allowed eight hours pay at the appropriate punitive rate for February 27, 1996, on account of this violation;

(c) Claimant(s) were qualified, available and should have been called and used to perform this work;

(d) This claim has been presented in accordance with Rule 45 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.

On February 28 and 29, 1996, the Carrier utilized several management employees to assist in testing "ticket-less travel." By letter of April 18, 1996, the Organization filed the above-quoted claim, in which it alleged that those Managers were performing work properly reserved to Clerks - specifically making "announcements, ticket collection, exchang[ing] and issu[ing] boarding passes, and answering customer inquiries." In its initial denial on June 3, 1996, the Carrier stated that the event at issue was a trial test of a contemplated future boarding pass system. It noted that the Organization had been notified of the test and asserted that the Managers had not performed any work that is normally and customarily reserved to Clerks. The denial was appealed and subsequently progressed up to and including conference on the property, after which it remained unresolved.

In subsequent correspondence, the Carrier maintained that the work done on the two days in question was simply a trial run. The management personnel cited in the claim were giving instructions to the passengers concerning the test program and exchanged tickets already purchased by customers for boarding passes. The Carrier asserted that Clerks have not historically lifted tickets and issued boarding passes, and pointed out that many Carrier employees besides Agreement covered employees are called upon to answer passenger questions over the course of a workday.

The Board has carefully reviewed the correspondence and the evidence presented in this case. The job descriptions contained in the bulletins offered by the Organization do not constitute probative evidence that the dissemination of information to passengers is a duty reserved exclusively to Clerks. It is unrefuted on this record and conceptually logical that all Carrier employees having any contact with the public whatsoever would, at one time or another, be expected to answer customer questions. While responsibility for disseminating information is one element of the job descriptions presented, that in itself does not constitute proof that such responsibility is the exclusive province of Clerks.

In light of the foregoing, the Board finds that the Organization has failed to meet its burden of persuasion in this matter.

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.