

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Award No. 33399
Docket No. CL-34158
99-3-97-3-664

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

STATEMENT OF CLAIM:

“Claim of the System Committee of the Organization (GL-11841) that:

(a) The Carrier has violated the current Rules Agreement particularly but not limited to the Extra Board Agreement, Articles 4, 5, 6 and 7.

(b) On Monday, November 8, 1993, Ms. Nancy Meyers was unavailable for work as lead clerk at the New London Ticket Office. The Carrier failed to properly fill the position. They allowed Ms. Linda McCrea, seniority date June 14, 1991, to work three hours extra performing the weekend paper work and preparing the deposits as well as other related duties of the vacant position.

(c) Therefore claim is made on behalf of Mr. Tom Desroches for eight hours pay at the punitive for November 8, 1993. Mr. Desroches has worked the lead clerk position before and was the senior qualified available employee willing to work the vacancy but not offered the opportunity to do so.

(d) The claim is presented in accordance with Rule 7-B-1 is in order 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.

It is the Organization's position that the Carrier violated Appendix E -- Extra Assignments and Vacancies, particularly Articles 4-7, when it used Ms. McCrea to complete weekend accounts on the date in question. The Carrier maintains that it used Ms. McCrea for only three hours of overtime on the date in question, to perform specialized lead clerk work for which Claimant was not qualified.

Correspondence from a Carrier officer to the Director of Labor Relations, offered by Carrier as evidence and not refuted by the Organization establishes that Claimant had never work the lead position at the New London Station and had never performed the work at issue. Accordingly, it was not unreasonable for Carrier to find that Claimant was not qualified to be called for the three hours of work required to complete the task at issue.

AWARD

Claim denied.

Form 1
Page 3

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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 13th day of July 1999.