

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 33510
Docket No. CL-34310
99-3-97-3-894**

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-11894) that:

Please list for immediate discussion the refusal of the corporation to grant an interview for the below listed members with regards to their applications for consideration to Amtrak Train Dispatchers position.

This is in regards to a recent letter sent out to all tower locations with regards to requesting those employees who would like to apply to become Amtrak Train Dispatchers.

Please advise the date, time and place of the appeal hearing.”

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 dispute in part states "what Carrier did in this case is deliberately conspicuous, and the selection of its choice employees for the Train Dispatcher positions was done in eager rapidity, purposed by the involved supervisors to move their friends in the Train Dispatcher program without further ado."

The Organization further asserts that the Carrier "completely ignored the principle of seniority and length of service, and focused wholly on the word 'acceptable', as that word appears in Article IV.A. of the CETC/CTC Agreement . . .," which reads in pertinent part:

"A. Employees who have TC NEC seniority excluding those who are selected for separation in accordance with Article I, paragraph C, will be granted preferential hiring rights to Train Dispatcher positions on the Northeast Corridor. Acceptable candidates will be selected in their TC NEC Seniority order."

A summary of the denial letter from the Division Manager, Labor Relations Metropolitan Division to the District Chairman follows. With the exception of Claimant Glab, all other Claimants were determined unacceptable candidates for the Train Dispatcher position for reasons stated below:

Claimant Gentry: " . . . his record is horrendous. Among numerous disciplinary action(s) which have been formally documented, are seven (7) separate instances of suspensions and two dismissals"

Claimant Leonard: "In the case of Mr. Leonard, he was not interviewed due to the fact that he had been given two opportunities previously to qualify for this position and had been unable to do so. Mr. Leonard attended the Train Dispatchers' training class on two separate occasions and was unable to pass the exam."

Claimant Perkins: " . . . he was not afforded an interview for the Train Dispatcher position for two very valid reasons, the first being excessive absenteeism, and the second, a serious violation of NORAC Operating Rules, which resulted in a 20 day suspension and requalification."

Claimant Ruane: “. . . his short tenure of less than one year with the company would preempt him from consideration for promotion at this time.”

The Board finds nothing on the record before us to contradict Carrier’s assessment of disqualification in each of the above cases.

Claimant Glab, according to the aforementioned letter from the Carrier, was “considered a good candidate for promotion to Train Dispatcher.” However, Carrier stated they were unable to arrange and interview or have him attend training classes due to his scheduled vacation and the short notice of the Train Dispatcher class. Carrier stated they met with Claimant Glab and “advised him that he would be given every consideration for any future openings.”

In light of the foregoing, the Board finds no basis upon which to grant the Organization’s claim.

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 22nd day of September 1999.