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**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 34070
Docket No. CL-35055
00-3-98-3-663**

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

PARTIES TO DISPUTE: (Transportation Communications International Union
(National Railroad Passenger Corporation (AMTRAK))

STATEMENT OF CLAIM:

“Claim of the System Committee of the Organization (GL-12150) that:

(a) The Carrier violated the Clerks’ Rules Agreement effective July 21, 1972, as revised, particularly, Rules 11(h) and other Rules, when Material Control Clerk, B. Harmon, was required to perform the duties of higher rated position of Inventory Control Clerk on a daily basis commencing: February 7, 1997, location, Material Department, Amtrak Turbo Factory, Rensselaer, NY.

(b) Claimant Harmon should now be allowed an additional \$8.15 for each date, which is the difference in rates between the Material Control Clerk (\$120.64) and the Inventory Control Clerk (\$128.79), commencing February 7, 1997 and continuing for each and every work day, thereafter, on account of this violation.

(c) This claim has been presented in accordance with Rule 25 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.

At the time this dispute arose, the Claimant was assigned as a Material Control Clerk at Carrier's Material Department, Turbo Facility, in Rensselaer, New York. On April 4, 1997, the Organization filed a claim on behalf of the Claimant in which it contended that since February 7, 1997, she had been required to perform the duties of the higher rated Inventory Control Clerk, without receiving a commensurate increase in her daily rate of pay. The Carrier denied the claim by letter of May 23, 1997, in which it asserted that the duties the Claimant performed were consistent with the duties of her Material Control Clerk position. The denial was subsequently appealed and progressed in the usual manner.

The Organization maintained that the Claimant performed the higher rated work complained of in the instant case. During progression on the property, the Organization pointed to the distinction in the job descriptions of the two positions at issue. It alleged that the duties the Claimant was performing included work that was rightfully the responsibility of a person holding the Inventory Control Clerk position. The Carrier consistently contended that such data entry as the Claimant performed in the course of her duties was consistent with the description of the job responsibilities of a Material Control Clerk. Throughout processing of this claim on the property, the Carrier disputed the Organization's characterization of the work performed by the Claimant.

A careful review of the record before the Board provides no persuasive evidence that the duties the Claimant was performing entitled her to the pay level of the higher rated position. The responsibility of determining inventory control and materials movement is the province of the Inventory Control Clerk, and there is no indication on this record that the Claimant had or was given the authority to make such decisions. Nor is there any indication that she interacted with vendors or the Purchasing Department relative to purchases.

AWARD

Claim denied.

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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 25th day of May, 2000.