

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 34071
Docket No. CL-35056
00-3-98-3-665**

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-12161) that:

Claim (AM-961) on behalf of Joyce Strehle-Popp:

(a) The Carrier violated the NRPC/TCU Corporate Clerical Agreement, in particular, Rules 2, 5, 6, 8, 10 and 14, when it arbitrarily and improperly failed to allow a successful bidder, Joyce Strehle-Poppe, on Position RSA 1-11-2, Reservation Sales Agent, at the Fort Washington RSO, thirty (30) days in which to qualify. Claimant Strehle-Poppe began working Position RSA 101102 on December 2, 1996, and was removed from that position on December 3, 1996. Ms. Strehle-Popp has a seniority date of April, 1997 and was initially hired by Amtrak as a Reservation Sales Agent and worked in that capacity for five (5) months.

(b) Claimant Strehle-Popp now be allowed forty (40) hours pay per work week at the pro-rata rate of pay commencing December 4, 1996 and continuing each and every work week, thereafter, as a penalty until this violation is corrected. In addition, Claimant should be allowed all loss overtime earnings made by the next junior employee working as a Reservation Sales Agent at the Fort Washington Office, reimbursement for all day care expenses, Philadelphia City Wage Taxes, and additional transportation expenses incurred, as well as, an additional 1½ hours per day for loss time spent traveling to and from Philadelphia, Pennsylvania.

(c) In order to terminate this claim, Claimant Joyce Strehle-Popp, must be returned to the above-referenced position and permitted thirty days in which to qualify."

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 claim arose, the Claimant had resigned her management position and was the successful bidder for a Reservation Sales Agent position at the Fort Washington, Pennsylvania, Reservation Sales Office. She reported for her new assignment on December 2 and was disqualified from the assignment at the end of her shift on December 3, 1996. The Organization filed the above claim on her behalf on January 30, 1997. The claim was denied by the Carrier in early March 1997. In that denial the Carrier restated its reason for disqualifying the Claimant from the position at issue; namely, that she was not qualified in the Arrow System -- a requirement for Sales Reservation Agents.

The Organization maintains that the Claimant should have been given time to qualify in the Reservation Sales Agent position, as provided by the Agreement, prior to being summarily disqualified. However, the Board does not find the Carrier's threshold requirement of knowledge of the Arrow System to be unreasonable. Moreover, as the Carrier pointed out, the Claimant had transferred from a Management position in Labor Relations, so she could not have been unaware of the qualifications needed to bid successfully into the RSA position.

The Organization also points out that when the Claimant was hired in 1977, she initially spent five months as a Reservation Sales Agent. According to the Organization, this is de facto proof of her qualification. The Board does not find that position to be persuasive. It is apparent from the record before the Board that between the time the Claimant initially served as in the RSA position and the time she reapplied, some 20 years later, significant changes in the job had occurred. Thus, it is reasonable that she would be disqualified from a job she had not held for 20 years.

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 May, 2000.