

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 35400
Docket No. CL-36255
01-3-00-3-484**

The Third Division consisted of the regular members and in addition Referee Rodney E. Dennis 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-12629) that:

Please consider this a claim of the District 1089 Protective Committee on behalf of the (list attached), qualified ticketing agents at South Station, Boston, MA. The Carrier has violated the current agreement between the National Railroad Passenger Corporation and the Transportation and Communications International Union, particularly, but not limited to Rule 1 - Scope paragraph E.

On Wednesday, November 25, 1998 and again on Sunday, November 29, 1998 the Carrier used management and other transportation and Communications Union personnel to validate tickets at South Station, Boston, MA. Said employees worked from 7 a.m. - 7 p.m., both days.

Therefore a claim is made for eight (8) hours at the applicable punitive rate for each agreement covered employee listed.

This claim is presented in accordance with the current Rules Agreement, is in order, and should be allowed.

<u>Name</u>	<u>Seniority Date</u>
G. Steele	04-29-72
L. Steele	06-04-79
L. Monk	04-10-80
L. Varasso	12-31-80

H. Crawford	04-07-82
J. Giblin	02-25-86
E. Thrum	06-22-87
R. Eddins	09-08-87
J. Tsang	04-18-88
I. Hughes	05-10-89
P. Tan	11-29-89
B. Bakrow	01-23-90
E. Reid	02-08-93
W. Connell	08-23-93
D. Stevens	02-01-94
K. Woods	01-21-97
B. Boykin	01-30-97
M. Ouelette	10-06-97
M. Whalen	02-26-98
J. Wemmitt	06-08-98
L. Kinton	07-06-98
P. Angelo	10-27-98"

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 November 25 and November 29, during the 1998 Thanksgiving holiday season, the Carrier used Management personnel and other Transportation and Communication Union employees to validate tickets at South Station, Boston, Massachusetts. These employees worked from 7:00 A.M. to 7:00 P.M. both days.

These two days in November, the Wednesday before and the Sunday after Thanksgiving, are the Carrier's busiest days of the year. The Carrier states that the employees were used for crowd control; their main mission was to make sure that passengers, under the crowded conditions boarded the proper trains. The Organization contends that this work is work belonging to Ticket Clerks in Boston and that the employees listed in the Statement of Claim should have been called to work on the days in question. The Organization frames the issue in this case as a violation of Rule 1 Scope, paragraph (e), of the current Agreement.

The Board reviewed the record and finds that this is not the first time the same or similar claims have been filed by the Organization. On all occasions in the past, the claims have been denied on the property or, if progressed to the Board, by the Board. The Board reviewed an identical claim submitted by the same parties covering the same location including many of the same Claimants. It denied the claims, rendering a well reasoned and detailed decision. The Board sees no reason, based on the record before it, not to adopt in this case the reasoning and decision rendered in Third Division Award 34073.

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 26th day of April, 2001.