

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 35853
Docket No. CL-36478
01-3-00-3-741**

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-12683) that:

- (a) The Carrier violated the NRPC/TCU Northeast Corridor, in particular, Rules 4-A-I, Appendix E, Extra List Agreement and others, when on Saturday, April 19, 1997, the Carrier allowed, permitted and required a junior employee, F. Puleo, Roster No. 1695 to work in an overtime assignment as a Station Cleaner at 30th Street Station, Philadelphia, from 11:00 pm to 7:00 am.**

The Carrier failed to call and use Claimant, Michele Giovannetti Roster No. 1667 who was senior, qualified and available to work;

- (b) Claimant M. Giovannetti now be allowed eight (8) hours at the overtime rate of pay for April 19, 1997 when the above mentioned Agreement was violated;**
- (c) This claim is filed in accordance with Rule 25, 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.

The Board has reviewed and decided an identical case as the one before it in this instance. In that dispute, Third Division Award 35851, the Board concluded that the call sheet records maintained by the Carrier involving 30th Street Station Cleaners were inadequate and could not be used to support the Carrier's position in claims involving the failure to call employees properly for overtime work. The instant case involves the same call sheet that was submitted in Award 35851. The Board sees no reason why the decision here should be different from the one rendered there.

The claim will be sustained for eight hours at the straight time rate.

AWARD

Claim sustained in accordance with the Findings.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) be made. The Carrier is ordered to make the Award effective on or before 30 days following the postmark date the Award is transmitted to the parties.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Dated at Chicago, Illinois, this 18th day of December, 2001.