

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Award No. 36415
Docket No. CL-37067
03-3-01-3-658

The Third Division consisted of the regular members and in addition Referee Rodney E. Dennis 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-12783) that:

- (A) The Carrier violated the Amtrak Clerks’ Rules Agreement, particularly Rule 11 when it had the Claimant perform the duties of an abolished management position (Supervisor-Transportation Statistics) without compensating the Claimant for the same as it had done in the past. This violation has been going on since May of 1998 when Supervisor Barbour’s position was abolished and some of duties were given to the Claimant to perform.
- (B) Claimant now be allowed the difference of the prevailing Statistics Clerk rate and the prevailing Supervisor Transportation Statistics rate for each and every compensated hour starting sixty days from the date of this claim through February 29, 2000. Claimant had been so compensated in the past when told to perform these duties. The sixty-day adjustment is only because that is what is allowed under our agreement in fairness Claimant should be allowed an adjustment starting in May of 1998.”

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.

Claimant Alicia Patterson was assigned as a Statistical Clerk in Amtrak Headquarters in Washington, D.C., when the instant dispute arose. The Claimant was

assigned as a Statistical Clerk in the Customer Service Support Group. This group consisted of a Manager and four Statistical Clerks. The unit was responsible for input of information into the On-time Performance System and creating reports from that System. The Supervisor controlled and manned the On-time Performance System and directed the activities of four Clerks. The Claimant was considered the most knowledgeable of the Clerks by Management in regard to the computer system and consequently was called upon to perform more difficult and complicated tasks than the other Clerks. Her normal daily duties found her working closely with the Manager, helping with excessive workloads. In 1996, for a period of about four months, the Manager was on sick leave. The Claimant filled in for her during that period and was compensated at a higher rate.

The Manager's job was abolished on May 6, 1998. It was divided and assigned to three other Supervisors. During the transition period, the Claimant played an important role in maintaining a smooth transition of the Statistical Clerk jobs from one system of supervision to another. The Claimant also played an important role in making the computer system Y2K compliant. In this instance, the Claimant construed herself above the level of an ordinary Statistical Clerk and attempted to get her pay increased by first petitioning Management through the Employee Comment Procedure and, when unsuccessful in that arena, filing the instant claim. The claim was discussed at all levels and denied. The case was therefore progressed to the Board for final resolution.

The Board reviewed the record in detail and is impressed with the Claimant's abilities (which all parties recognize) and with her commitment to duty. We cannot, however, find justification from the information presented in this record for directing that the Claimant's employee status be changed. We recognize that she is an outstanding employee. We cannot, however, establish a higher rated position for her out of admiration. The Board cannot find any basis for modifying the Carrier's position in this instance.

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 17th day of March 2003.