

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Award No. 36783
Docket No. CL-37337
03-3-02-3-316

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-12885) that:

- 1) Carrier violates the Agreement on Sunday August 13, 2000, when it fails to compensate an employee the proper travel pay for being held on a former position.
- 2) Carrier shall now be required to compensate William Martucci \$34.00 per day and \$5.00 per day commencing with the above date and continue until this dispute is settled.
- 3) Carrier allowed the position Claimant had bid temporary (TC647-Providence) to be bumped by a senior unqualified employee and then stopped payment of compensation mentioned in item 2 of this dispute.”

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 of the incident that gave rise to this case, the Claimant held a position as a Ticket Clerk at the South Station Ticket Office, Boston, Massachusetts. While on the position, the Claimant bid a temporary position in the Providence, Rhode Island, Ticket Office. He was awarded the job, but not released to occupy it. He was held in Boston to train the Clerk who would replace him. Before the Claimant was allowed to move from Boston to Providence, he was bumped from the Providence position. The Carrier chose to keep the Claimant in Boston on his original position.

While the Claimant was held in Boston to train his replacement, he was paid \$34.00 per day travel and a \$5.00 penalty. When he was bumped from the temporary Providence position, the Carrier stopped paying the additional money. The Organization filed the instant claim contending that the Claimant was denied the opportunity to train his replacement in Providence. The Carrier denied the claim.

The Board reviewed the record and has concluded that an equitable adjustment to this dispute would be to pay the Claimant one day's pay 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 29th day of December 2003.