

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Award No. 36784
Docket No. CL-37347
03-3-02-3-329

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-12887)
that:

The Carrier violated the Amtrak-Northeast Corridor Clerks' Rules Agreement particularly but not limited to Appendix H (paragraph d), Rule 1 - Scope (paragraph h), 1-b-1, 2-A-1 2-A-5, and other rules when the Carrier advertised job symbol no. LTC-12, hours 10am, 12:30pm, Lead Ticket Clerk, at Newark Penn Station, as a position not under the present classification title and description of primary duties as an original position that were transferred to Amtrak. Claimant C. Deguzman Description of duties now be returned to its original duties as a ticket seller and Claimant now be allowed eight (8) hours at the pro-rata rate for each and every work day thereon after until the violation ceases on account of this violation on November 8, 2000.”

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.

In January 1998, the Carrier and the TCU-Division Chairperson agreed to establish a Partial Exempt Lead Ticket Clerk's position BC-125 at Newark Penn Station. The duties of that position are stated below:

"DUTIES:

Serves as a lead person to ticket clerks at public windows incident to the sale of tickets for a wide variety of passenger train accommodations. Furnishes advice and guidance to each ticket clerk of confirmation of reservation. Personally waits on customers and sells tickets when the workload demands. Assists customers in securing desired reservations, planning trips and assisting in the movement of passengers outside the ticket office to ensure that passenger flow is efficient and orderly. Must maintain a cash drawer and complete daily reports for any sales made. Performs a variety of miscellaneous duties such as filing, typing, completing reports, monitoring ticket stock, performing preventative maintenance of ticket printers and all duties of a ticket clerk.

QUALIFICATIONS:

A high school education with two (2) years of college or business equivalent is preferred. Must have a complete knowledge of tariffs. Must be thoroughly familiar with the operation of ARROW Ticketeer machines and be able to maintain same. Must have leadership capabilities. Must have excellent oral, written and communication skills."

Prior to November 2000, the PEP Lead Ticket Clerk position remained vacant for more than 90 days. As a result, the Carrier was required to delete the PEP status from the position and post it as a bid and bump position for all qualified employees to bid on. It posted the new job as LTC-12 on November 8, 2000. The job duties of Job LTC-12 are quoted below:

“Description of Duties: Serves as a leadperson to ticket clerks at public windows incident to the sale of tickets for a wide variety of passenger train accommodations. Furnishes advice and guidance to each ticket clerk of confirmation of reservations. Personally waits on customers and sells tickets when the workload demands. Assists customers in securing desired reservations, planning trips, will also assist in the movement of passengers outside the ticket office to ensure that passenger flow is efficient and orderly. Must maintain cordial relationship with potential customers at all times. Maintains cash drawer and completes daily reports. Performs a variety of miscellaneous duties such as filing, preparing and completing reports, monitor ticket stock, perform preventive maintenance of ticket printers. In addition to other duties, performs duties of a ticket clerk and accounting clerk. Must have a high school education, prefer two years of college or business equivalent. Must have complete knowledge of tariffs. Must be thoroughly familiar with operation and maintenance of Arrow machines. Must comply and ensure compliance by employees to Amtrak's uniform policy and "Standards of Excellence." Must possess excellent leadership and organizational skills, and communication skills both oral and written. Must ensure an atmosphere of open communication.”

Claimant C. Deguzman was the successful bidder. On November 22, 2000, the Organization filed a claim alleging that the Carrier added duties and responsibilities to Job No. LTC-12 that were not included in Position BC-125 when it was a partially exempt position. It contends that the Carrier made these changes without the required discussion with the General Chairman. It asks that the job be changed to a Ticket Clerk position and that the Claimant be paid eight hours at the *pro rata* rate for each work day until the duties of the job are changed to its original duties as a Ticket Seller. The Carrier denied the claim at all levels.

The Board reviewed the record before it and studied the job descriptions for Job BE-125 (the old job) and LTC-12 (the current job). There is no question that the duties listed in Job LTC-12 are more numerous and extensive than those listed in the current position. At this late date, the Board concludes that the Carrier officials should enter into a discussion of the duties of the Lead Ticket Clerk position with the General Chairman in hopes of both parties agreeing on the duties

of the job. The Board finds no basis in this record to support a monetary award to the Claimant.

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.