

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Award No. 38219
Docket No. CL-39341
07-3-06-3-187

The Third Division consisted of the regular members and in addition Referee Martin H. Malin when award was rendered.

PARTIES TO DISPUTE: (Transportation Communications International Union
(National Railroad Passenger Corporation (Amtrak))

STATEMENT OF CLAIM:

“Claim of the General Committee:

1. The Carrier violated ARTICLE VI - OVERTIME of the MEDIATION AGREEMENT of September 6, 1991, Rule 14(f) and possible other rules of the Agreement, when on March 24 and 25, 2001, it failed or refused to call Claimant White to work at overtime and allowed a Baggage man to come into the Ticket office and sell tickets.
2. The Carrier shall now be immediately required to compensate Ms. White eight (8) hours for each day at the pro rata rate of a Ticket Agent at the overtime rate of one and a half (1 1/2) (total of \$460.80).”

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 March 24 and 25, 2001, R. Schaffer sold tickets at Kansas City, Missouri. The claim alleges that the Carrier diverted Schaffer from his position as Baggage Agent/Red Cap to avoid its contractual obligation to call the Claimant, who was on her rest days, and offer her the assignment on an overtime basis.

During handling on the property, the Carrier contended that its payroll records reflected that Schaffer was paid as a Ticket Clerk. However, the Organization provided a copy of the Bulletin dated October 25, 2000, awarding Schaffer the position of Baggage Agent/Redcap. He held that position until he was awarded a Guaranteed Extra Board position in April 2001. Thus, the Organization proved that Schaffer was diverted from his position as Baggage Agent/Red Cap to work as a Ticket Clerk and that the Claimant should have been called. The claim will be sustained. The Carrier is to compensate the Claimant for eight hours each day (total of 16 hours) at her 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 25th day of June 2007.