

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISIONAward No. 32032
Docket No. CL-32728
97-3-96-3-31

The Third Division consisted of the regular members and in addition Referee Elizabeth C. Wesman 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-11197) that:

(a) The Carrier violated the Rules Agreement dated July 27, 1976, as amended and revised, and particularly Rule 1, The Scope Rule, Rule 3-C-2, and others, when the Claimant's position of Cleaner located in the M of W Building in the Wilmington Shops was abolished on October 4, 1993.

(b) Claimant's duties were cleaning lavatories, offices of C&S, lunch room, ET, track, and buffing and waxing of hallways and office floors. Since the job has been abolished all of the above duties still exist in the M of W Building. The Carrier has assigned William T. Edward to perform the duties of buffing and waxing the hallways and offices, and other C&S, ET, and Tract (sic) Dept. employees to perform the rest of the duties that remain.

(c) Rule 3-C-2 states, in part, that 'when a position covered by this Agreement is abolished, the work previously assigned to such position which remains to be performed, will be assigned in accordance with the following:'

(a) To another position or other positions covered by this Agreement when such position or other positions remain in existence, at the location where the work of the abolished position is to be performed.'

(d) Claimant Murter's position is located in the Shops, as ruled on by R. O. Denzel (case PHIL-TCU-134/0593 - Long), where three (3) cleaning positions exist. Under Rule 3-C-2, the work that shall exist in the M of W Building should now be assigned to one of those positions or the position be reinstated, but the work should not be given to C&S, ET, or the Track Dept.

(e) Claimant should now be allowed eight (8) hours at time and one-half started on October 4, 1993 and continuing until either the job is reinstated or the duties be assigned to an existing cleaning position located at the Wilmington Shops.

(f) This claim has been presented in accordance with Rule 7-B-1 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.

At the time this dispute arose, the Claimant was employed as a Cleaner in the Maintenance of Way Building at Carrier's Wilmington, Delaware, Mechanical Facility. On October 4, 1993, Claimant's Cleaner position as well as other Cleaner positions. Subsequently, a Communications and Signal (C&S) Maintainer was instructed to do housecleaning in the C&S wing of the M of W Building. Cleaning of the M of W areas was performed by M of W employees. This continued until approximately May 1994, when Carrier contracted out the cleaning of the entire building.

The facts in this case are nearly identical to the facts comprising Third Division Awards 32028 and 32029. For reasons set forth at great length in Third Division Award 32028, the instant claim is denied.

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 6th day of May 1997.