

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 32084
Docket No. CL-31855
97-3-94-3-179**

The Third Division consisted of the regular members and in addition Referee Herbert L. Marx, Jr. 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-11028) that:

(a) The Carrier violated the Clerks' Rules Agreement effective July 21, 1972, as revised, particularly Rules 7, 8, 14, 16, 17 and other rules, as well as Memorandum of Agreement No. 9, when on October 27, 1992, they required Claimant Kweller to travel to New York, NY, away from his headquarters point, Rensselaer, NY, during the hours of 6:30 a.m. to 1:30 p.m. to take a typing test and then failed to compensate him the required travel time and expenses for same.

(b) Claimant Kweller should now be allowed seven (7) hours punitive pay based on the appropriate daily rate for the time spent traveling on October 27, 1992, on account of this violation.

(c) This claim has been presented in accordance with Rule 25 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.

The Claimant is a Commissary Clerk, with headquarters at Rensselaer. Typing skill is not a requirement for this position, and his qualifications were not in question. For other clerical positions, typing skill is, of course, a basic requirement.

The Claimant went to New York City, a distance of 150 miles, to take a Carrier typing test, presumably to qualify himself for some future position. The Organization seeks seven hours' pay at the punitive rate for the Claimant's travel time.

The key issue is whether the Claimant was directed to take the test by the Carrier (under which pay may have been appropriate) or whether the Claimant decided on his own to take the test. While the Organization contends the former situation is applicable, no evidence to this effect is provided. The Carrier denies directing the Claimant to take the test.

Cases cited by the Organization are readily distinguishable from these circumstances. While it is admirable for the Claimant to prepare himself for other positions and assignments, there is no Rule citation which would cover the requested payment.

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 9th day of July 1997.