

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Award No. 35942
Docket No. CL-36382
02-3-00-3-601

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-12645) that:

(a) Carrier violated the Agreement on the following dates by requiring Jackie Meschler to work as a floater in the Verification Department at Wilmington, DE:

- | | |
|--------------------------|------------------------|
| Wednesday April 29, 1998 | Tuesday May 12, 1998 |
| Thursday April 30, 1998 | Wednesday May 13, 1998 |
| Friday May 1, 1998 | Thursday May 14, 1998 |
| Monday May 4, 1998 | Friday May 15, 1998 |
| Tuesday May 5, 1998 | Monday May 18, 1998 |
| Wednesday May 6, 1998 | Tuesday May 19, 1998 |
| Friday May 8, 1998 | Wednesday May 20, 1998 |
| Monday May 11, 1998 | |

(b) Claim is made for the difference between Claimant’s hourly rate of \$15.54 (8CVERF21) and partially exempt Verification Clerk rate of \$16.08 per hour.

(c) 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.

At the time this dispute arose, Claimant, J. Meschler, was assigned as a Bid and Bump Verification Clerk at Amtrak's Central National Operation Center in Wilmington, Delaware. On a number of days in April and May 1998, the Claimant was required by the Carrier to work as a floater in the Verification Department. The Organization contends that the work being performed by the Claimant was work normally performed by a partially exempt employee. The rate of pay for such work is \$16.08 per hour. The Claimant, however, was not paid this rate, but continued to receive her ordinary rate of \$15.54 per hour. The Organization seeks the pay differential for all hours worked by the Claimant as a floater.

The Board reviewed the record as presented and is compelled, based on that review, to deny the instant claim. There is no evidence contained therein to establish just what duties the Claimant performed while working as a floater. There is no evidence in the record to establish that the work the Claimant performed was work belonging to a position that paid \$16.08 per hour. The Organization has not presented the minimum information needed to support such a claim.

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 20th day of February, 2002.