

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 36028
Docket No. CL-36780
02-3-01-3-338**

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-12744) that:

- (1) The Carrier violated the Northeast Clerks' Agreement, particularly Rule 1, The Scope Rule, when on August 3, 1998, the Carrier removed Claimant from the position of Inventory Control Clerk located in Car Shop 1. Claimant had been working this position for approximately four (4) months and was waiting for a written agreement between Ms. B.J. Blair, Director of Labor Relations and Mr. A. C. Desmond, Division Chairman. Mr. Desmond and Mr. Ketter already had a verbal agreement regarding the job title, duties, and rate of pay, and were waiting for the official documentation to come out of Labor Relations. Claimant was still waiting for this documentation when the Carrier removed him from the position and awarded it to M of W Repairman, Glen Nichols.
- (b) Claimant should now be allowed the difference between his rate of pay (\$15.37/hour) and Mr. Nichols' rate of pay (\$18.02/hour) - \$2.65/hour - as well as any overtime worked by Mr. Nichols, from August 3, 1998 until this claim is settled.
- (c) Claim filed in accordance with Rule 25 and should be allowed as presented.”

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 Board reviewed the record in detail. It establishes that the Claimant worked a part ordering position for just over two months. He was paid an hour differential for the time he worked in the position for a total of \$681.53. There was a dispute as to which craft the work performed by the Claimant belonged. That dispute must be resolved by the Organizations involved and the Carrier's Labor Relations Department.

The Claimant in this case has been paid for the work in a higher level position. The issue of to whom the job in question belongs cannot be settled here.

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 21st day of May, 2002.