

NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION

Award No. 36195  
Docket No. CL-36845  
02-3-01-3-430

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-12755) that:

- (a) The Carrier violated the Amtrak Corporate Clerical Rules Agreement effective July 21, 1972, as revised, particularly Rule 5, 8 and other rules, when it refused to allow Claimant Gaunay her right to displace a junior employee, Kathi Brennan, from position of Secretary, Marketing Department, location Albany/Rensselaer, NY, as requested in writing on May 23, 2000.
- (b) On May 23, 2000, Claimant Gaunay was advised by Mr. M.W. Hollister that Mr. Harry Bachrach would not allow the displacement.
- (c) Claimant Gaunay was qualified, including having the appropriate fitness and ability, to perform the duties of the involved position and the Carrier should have allowed her displacement onto the involved position.
- (d) Claimant Gaunay should now be allowed an additional eight (8) hours punitive pay, based on the pro rata rate of the involved position, as well as any overtime earned by the involved junior employee or her successor, commencing May 23, 2000 and continuing for each and every day thereafter, until this violation is corrected to the employee's satisfaction.
- (e) In order to terminate this claim, Claimant must be assigned to the position.
- (f) 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.

This is not the first case the Claimant has had where she was denied a position because she could not meet the typing requirement of 60 words per minute. The Board reviewed this record and concludes that the Claimant should be told that if she can improve her typing skills to 54 words per minute she will be allowed to displace on jobs requiring 60 words per minute. She will then be given 30 days to qualify on the job. The Board applauds the Claimant's desire to improve her position with the Carrier. The speed by which she accomplishes her promotion is up to her.

**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 24th day of September 2002.