

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 36196
Docket No. CL-36860
02-3-01-3-432**

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 Committee of the Organization (GL-12757) that:

On June 27, 2000 the Carrier violated the Amtrak Northeast Corridor Clerks' Rules Agreement when it worked Claimant E. Stowe, and Extra employee at Penn Station, New York Ticket Office, out of the territory from which the Extra Lists works and onto a Partially Exempt Position, Job (FCLR-1) hours 5:00 a.m. to 1:30 p.m. in the Metropolitan Lounge at New York Penn Station.

Claimant now be paid the difference between the straight time daily agreed rate of \$144.64, which she received and the pro-rated daily rate of \$216.96 account this violation on June 27, 2000, working a territory which has not been agreed to in writing between the Corporation and the Division Chairman, Mr. R. Oathout of the TCU Organization.”

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.

Claimant E. Stowe is an Extra Board employee at the Penn Station, New York, ticket office. On June 27, 2000, the Claimant worked a partially exempt position from 5:00 A.M. to 1:30 P.M. in the Metropolitan Lounge at the Station. The Organization contends that the Claimant should not have worked in this situation because the Extra

Board Agreement under which the Claimant worked does not authorize coverage of vacancies in the Metropolitan Lounge, nor does it allow coverage of partially exempt positions.

The Board decided a number of cases in the past on this identical issue. The Board concluded in those cases that the Ticket Office and Lounge in Penn Station are covered by an Extra Board Agreement and that Extra Board employees are allowed to fill PE positions.

The Board concludes that the Carrier has not violated the Agreement in this instance.

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.