

**NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION**

**Award No. 36387  
Docket No. CL-36991  
03-3-01-3-603**

**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-12772) that:**

- 1. The Carrier Northeast Corridor (NEC) violated the rules of the Agreement, particularly Rule 1, Rule 2-B-1, Rule 3-C-2, among other applicable rules, as well as the Extra List Agreement, when it abolished position of Statistical Clerk, SC-13 located at 360 W. 31st Street, New York, New York and assigned the work thereof to an employee not coming under the scope and coverage of the parties agreement.**
- 2. The Carrier shall be required to return the work of the abolished Statistical Clerk, SC-13 position to the scope of the Agreement and assign such work to a position and employee coming under the coverage thereof.**
- 3. The Carrier shall be required to compensate employee Dennis Riga eight hours pay each day at the rate of \$136.00 per day commencing July 31, 2000 and continuing each and every day until the work of the abolished Statistical Clerk, SC-13 position is restored to the Agreement, and until the violation is corrected and proper adjustment is made.**
- 4. This claim has been presented and progressed in accordance with the appropriate rule of the Agreement 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 of the incident that gave rise to this case, Claimant D. Riga was assigned as a Statistical Clerk in New York City. On July 24, 2000, the Claimant was notified that his Statistical Clerk position would be abolished on July 31, 2000. On August 4, 2000, the Organization filed the instant claim. The basic allegation in the claim was that Amtrak had abolished the Claimant's position and hired outside temporary employees to perform the work of his abolished position.

The Carrier, on the other hand, contends that the work formerly performed by the Claimant was eliminated and no longer exists. This resulted from software enhancements in the Finance Department. It also stated that no temporary employees were hired to perform work previously performed by the Claimant.

The Board has reviewed the record and has concluded that the Claimant's position, as well as other clerical positions, was abolished because enhanced computer systems supplied the needed information. The Statistical Clerk positions were no longer needed. The Organization's allegation that temporary employees were hired to perform the duties formerly performed by the Claimant is not supported in the record. The Claimant has been displaced by the computer system. The Board sees no way to change that 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 18th day of February 2003.**