

**NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION**

**Award No. 36414  
Docket No. CL-37066  
03-3-01-3-657**

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-12782) that:

- (a) The Carrier violated the Clerks’ Rules Agreement, particularly Rule 1, 14 and other rules, when it permitted and allowed Supervisor Material Control Frank Jackson, to perform the duties of Clerk Typist, at the Beach Grove Amtrak Facility commencing February 19, 2000, and failed to utilize the Claimant.
- (b) Claimant Marita Carter now be allowed 8 hours pay per day at the punitive rate of \$18.08 per hour, commencing February 19, 2000, and continuing each and every day thereon after account mentioned violation.
- (c) Claimant was qualified, available and should have been used to perform this work.”

**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 Marita Carter is employed as a Clerk Typist at Amtrak’s Beech Grove, Indiana, Mechanical Facility. She worked 7:00 A.M. to 4:00 P.M., Monday through Friday. It appears from the record that the Organization claimed that, at least from

February 19 to July 31, 2000, Frank Jackson, the Supervisor of Material Control, on occasion performed clerical work normally and customarily assigned to and completed by covered Clerks. As a result, two separate claim letters were submitted naming Marita Carter as the Claimant and requesting a day's pay at the punitive rate for every day the Supervisor performed routine clerical work. The claims were denied and progressed to the Board for resolution.

The Board reviewed the material presented. As a result of that review, it is evident that Supervisor Jackson is preparing and distributing his own Interoffice Memos. The record contains six examples of such memoranda between February 19 and August 24, 2000. It also contains an example of routine material input into the computer on July 31, 2000 by Supervisor Jackson.

The Board does not take the position that Supervisors cannot perform minimal clerical tasks incidental to their jobs. It does, however, consider what took place on the claim dates mentioned in the record (February 19 and July 31, 2000) a violation of the Clerks' Agreement. We consider the work performed by Jackson on these dates as work normally and customarily performed by Clerks. As such, the Board directs that a call be paid to the Claimant for February 19 and July 31, 2000.

#### **AWARD**

Claim sustained in accordance with the Findings.

#### **ORDER**

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) be made. The Carrier is ordered to make the Award effective on or before 30 days following the postmark date the Award is transmitted to the parties.

**NATIONAL RAILROAD ADJUSTMENT BOARD**  
**By Order of Third Division**

Dated at Chicago, Illinois, this 17th day of March 2003.