

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Award No. 36790
Docket No. CL-37384
03-3-02-3-382

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-12901)
that:

Carrier violated the Amtrak-Northeast Corridor Clerks Rules Agreement when in the week bulletins and awards of February 7, 2001, the Carrier advertised job symbol Nos. Ex-325, Ex-326, (Extra Board) Ticket Clerk Positions located at NY Penn Station NY, NY.

The Carrier shall now re-advertise such positions as positions with days of Saturday and Sunday as rest days as is practicable and as such positions the duties can be reasonably met in a five day work week.

Claimants B. Kennedy, J. O'Malley, C. Jackson, D. Henry-Lowe, L. Duberry-Carter, B. Meyers, T. Watson-King, T. Gardner, Ms. Foster, Wm. Fortune, B. Bager-Brown, V. Rosado, E. Stowe, M. Hale, J. Antelo, N. Watson, D. Mazzurco, B. Lawrence, A. Grant, D. Vaden, L. Reid, J. Charles, Wm. Nabrizny, J. Ellis, N. Hutchins, K. Strickland-Darmanie, D. Strube, Ms. Vorms, Ms. Giron, R. Ahing, Ms. Goode, B. Stokes, D. Fleming, C. Jones, J. Dubois, J. Mullen, now be allowed eight (8) hours at the punitive rate of pay, based on the pro-rata rate of \$144.64 as a Ticket Clerk Seller for each and every day thereafter that such positions are not re-advertised as relief days of Sat/Sun and Awarded, and that

This claim will be retroactive to the date of the award of sixty (60) days whichever applies, and should include any future increases to the rate, and any future incumbent of the involved positions.”

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.

On or about February 7, 2001, the Carrier advertised two Extra Board Ticket Clerk positions with no specified rest days at Penn Station, New York City. The Organization filed a claim contending that it was an error to advertise positions with no rest days. They should be re-advertised with Saturday and Sunday as rest days. The Organization requests that as many Extra Board positions as possible should be five-day positions with weekend days off. It asks as a remedy in this case that a long list of Extra Board positions be re-advertised with relief days as Saturday and Sunday. It further contends that every Extra Board employee who works a job without a designated weekend day off should receive a day's pay on a penalty basis for every day that the employee works an assignment without weekends off.

The Carrier denied the claim, alleging that it has no Agreement support, does not make any sense, and requests a penalty payment not provided by Agreement.

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After a review of the record, the Board is compelled to support the Carrier's position. The Organization has not been persuasive in this record in supporting this claim with probative or sound arguments.

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 29th day of December 2003.