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**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 36926
Docket No. CL-37556
04-3-02-3-592**

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-12931) that:

The Carrier violated the Amtrak-Northeast Corridor Clerks' Rules Agreement Rule 1, 4-A-1 (f), 4-A-2, Mediation Agreement Case No. A12447 – Section 2 (Article V), The Extra List and other Rules when it failed to utilize Claimant G. Chaney, to perform the assigned work of her position, Customer Services Desk Clerk, Symbol No. CK2, which work was required and performed on the Holiday December 24, 2000, between the hours of 6:45 am to 3:15 pm, at NY Penn Station Customer Services Offices NY, NY, and instead assigned and permitted Special Duty Employee, E. Greaves, whose position is not covered by the Extra List nor the Amtrak-Northeast Corridor Clerks' Rules Agreement to perform that work on that day.

Claimant G. Chaney now be allowed an additional eight (8) hours at the punitive rate of pay due to this violation on December 24, 2000, and that Claimant would have been available to double out onto a second tour of duty.”

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 this dispute, the Claimant, Ms. Chaney, was assigned as a Customer Service Clerk in Penn Station, New York City. On December 24, 2000 (the Christmas Eve Holiday), Employee Greaves, a Clerk on special assignment who was senior to Ms. Chaney, was called to fill a 6:45 A.M. to 3:15 P.M. vacancy on Sunday, December 24, 2000. The Claimant was called to fill a later job which she performed. On January 3, 2001, the Organization filed a claim requesting eight hours' pay for the Claimant at the overtime rate account Mr. Greaves was on special assignment and had no claim to the work on December 24. It argued that the Claimant should have been called for the 6:45 A.M. to 3:15 P.M. vacancy and then allowed to double over on the vacancy she did fill. This, the claim indicates, would have given the Claimant 16 hours of overtime work for the Christmas Eve Holiday.

The Carrier denied the claim alleging that Greaves was senior to the Claimant. Whether he had a regular assignment locally or not, he had clerical seniority and was eligible to claim work on the holiday based on his seniority.

The Board reviewed the record and has concluded that the Carrier's characterization of this claim as a complaint on behalf of the Claimant and not a legitimate grievance is appropriate. The Board finds no facts in the record that support the Organization's claim.

AWARD

Claim denied.

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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 22nd day of March 2004.