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SPECIAL BOARD OF ADJUSTMENT NO. 173

Award No. 14
Case No. 4

PARTIES TO DISPUTE: Brotherhood of Railway and Steamship Clerks,
Freight Handlers, Express and Station Employees

Union Pacific Railroad Company

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood of Railway
and Steamship Clerks, Freight Handlers, Express and Station
Employees, that the Carrier violated the Clerks' Agreement

(1) When on June 26 and July 3, 1954, they permitted Mildred Jorgensen, a non bona fide employe without seniority, to work as PBX Operator, North Platte, Nebraska, on one assigned rest day of a regular employe.

(2) Margaret Griffiths, the regular employe, be allowed two additional days' pay at rate of time and one-half account Carrier's violating the Agreement on June 26 and July 3, 1954."

FINDINGS: The 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.

The Board has jurisdiction over the dispute involved herein. The parties to said dispute were given due notice of hearing thereon.

A person newly hired is not, on the first day of such employment, in the category of the bona fide employee depicted in Rule 41 (1) to be eligible to protect the job opportunity therein dealt with. Such an individual acquires "employee status" within the meaning of Rule 18 (e), only after rendering at least one day's service on a job covered by the Clerks' Agreement.

AWARD: 1. Claim sustained for 8 hours at the straight time PBX Operator rate for June 26, 1954;
2. Claim denied for July 3, 1954.

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/s/ Harold M. Gilden, Chairman

/s/ A. J. VanDercreek, Carrier Member

/s/ C. F. Bignall, Organization Member
(Employee Member dissenting to denial Award Claim No. 2 for July 3, 1954, under the principles laid down in Award 5558 and Interpretation No. 1 thereto, Awards 6259, 6522, 6853, 6854, 6855, 6971 and many others.)

Omaha, Nebraska
March 24, 1958