

C
O
P
Y

SPECIAL BOARD OF ADJUSTMENT NO. 173

Award No. 15
Case No. 6

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

(1) Carrier violated Rule 12 (e) of Agreement dated February 1, 1952, when they failed to place D. G. Kentner on his regular assignment, effective November 20, 1954.

(2) Carrier shall now compensate Claimant D. G. Kentner for eight hours at straight time rate for each day November 20 and 21, 1954, at rate of pay of Invoice Cooper Clerk position, Job 20, and difference in daily rate for two days November 22 and 23, 1954, of his assigned position, Invoice Cooper Clerk, and Demurrage Clerk."

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

In the method of filling temporary assignments and short vacancies, designated in the first paragraph of Rule 12 (e), it is plainly stated that the assignment of the senior qualified applicant, making request therefor, shall not be postponed beyond twenty-four hours from the time the vacancy is declared. The degree of flexibility in effectuating such assignment, as is here advanced by the Carrier, is nowhere to be found in the wording of the Rule, and cannot now be given impetus. Under the clear language of Rule 12 (e), the Carrier was obligated, within twenty-four hours from November 17, 1954 (the date the vacancy was declared), to assign claimant to Job 20 (Invoice Cooper Clerk), with placement thereon beginning November 20, 1954.

AWARD: Claim sustained.

SPECIAL BOARD OF ADJUSTMENT NO. 173

/s/ Harold M. Gilden, Chairman

/s/ A. J. VanDercreek, Carrier Member
(I dissent)

/s/ C. F. Bignall, Organization Member

Omaha, Nebraska
March 24, 1958