SPECIAL BOARD OF ADJUSTMENT NO. 173   Award No. 17
Case No. 23

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

Union Pacific Railroad Company

STATEMENT OF CLAIM: "Claim of the General Committee of the Brotherhood that:
(a) They violated Article II - Holidays - of the Agreement of August 21, 1954 (Rule
40 of current BofRC Agreement of May 1, 1955) when they failed to pay the following
named hourly rated employes for Washington's Birthday, February 22, 1955: H. G.
Alvarez, H. A. Jones, E. K. McBride, M. E. Ross, W. A. Hansen, and M. W. VanNatta
(b) The above named employes each be paid a day's pay at straight time rate account
of this violation of the Agreement."

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.

It was in the capacity of unassigned employees that claimants rendered
compensated service for the Carrier on the work days immediately preceding and
following the Washington Birthday holiday (February 22, 1955). Since claimants did
not, at that time, hold assignments to regular bulletined positions, they do not
qualify as "regularly assigned employees". By the clear wording of Rule 40
(Article II, Section 1 of the National Agreement of August 21, 1954), holiday pay
eligibility is conditioned on the attaining of such a status.

AWARD: (a) The Clerks' Agreement of May 1, 1955, was not violated by the failure
to grant holiday pay to claimants for Washington's Birthday,
February 22, 1955.

(b) Claims denied.

SPECIAL BOARD OF ADJUSTMENT NO. 173

/s/ Harold M. Gilden
Chairman

/s/ A. J. VanDercreek
Carrier Member

/s/ Stanley B. Eoff
Organization Member

Salt Lake City, Utah
June 20, 1958