

SPECIAL BOARD OF ADJUSTMENT NO. 173

Award No. 22

Case No. 24

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 General Committee of the Brotherhood of Railway  
and Steamship Clerks, Freight Handlers, Express and Station  
Employees that:

(a) The Carrier violated the Clerks' Agreement when on January 16, 1956, it permitted B. F. Willmore to displace L. E. Ranck from position of Traveling Engineer Accountant, compelling Ranck to displace J. L. Bergman and Bergman to displace L. H. Shulsen.

(b) L. E. Ranck be paid difference in rate of \$475.00 and \$431.04 per month, Bergman, difference in \$431.04 and \$395.08, L. H. Shulsen, difference in \$395.08 and \$364.25, and other clerks affected. Claims to run from January 16, 1956, until such time as B. F. Willmore required to return to seniority district No. 80, where he was promoted from, and Ranck, Bergman, Shulsen and other clerks affected returned to former positions."

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.

In that both positions identified as (a) Chief Clerk to Division Engineer and (b) Traveling Engineer Accountant are by Rule 1(d) specifically exempted from the provisions of the Clerks' Agreement, it follows that B. F. Willmore was not subject to the procedures of Rule 10 in his displacement of L. Ranck from the Traveling Engineer Accountant position.

Accordingly, the claimants herein, being particularly vulnerable to the job realignment resulting from the ensuing sequential exercise of seniority preference, have no justifiable grounds for complaint.

AWARD: (a) The Carrier did not violate the Clerks' Agreement when, on January 16, 1956, it permitted B. F. Willmore to displace L. E. Ranck from position of Traveling Engineer Accountant resulting in Ranck displacing J. L. Bergman and Bergman displacing L. H. Shulsen.

(b) Claims denied.

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/s/ Harold M. Gilden, Chairman

/s/ A. J. VanDercreek, Carrier Member

/s/ Stanley B. Eoff, Organization Member

Salt Lake City, Utah  
June 20, 1958