

SPECIAL BOARD OF ADJUSTMENT NO. 173

Award No. 28
Case No. 28

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 Agreement dated June 29, 1955 when on June 19, 1956 and June 20, 1956 they required and permitted a Coach Cleaner, an employee not covered by B. of R. C. Agreement, to supply cabooses at North Platte, Nebraska.
- (2) Carrier shall now compensate Sylvester Giddens under Rule 39 of Agreement effective May 1, 1955 for three hours for June 19, 1956 and four hours for June 20, 1956 at penalty rate."

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.

Because routine labor tasks, which comprise a relatively minor part of the total job content, are included within a particular work classification, it does not mean that the incumbents therein, and they alone, are vested with exclusive performance rights.

Under the circumstances where a coach cleaner may rightfully engage in washing the inside and outside of two cabooses, he may, as an incidental function thereof, supply same with ice and water. The soundness of this viewpoint is particularly evident where, as here, the disputed task has not resulted in any loss to claimant of straight time pay.

Award: 1. Carrier did not violate the June 29, 1955 Agreement when a Coach Cleaner supplied cabooses with ice and water at North Platte, Nebraska, on June 19 and 20, 1956.

2. Claim denied.

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/s/ Harold M. Gilden
Chairman

/s/ A. J. VanDercreek
Carrier Member

/s/ C. F. Bignall
Organization Member (I dissent)

Omaha, Nebraska
February 24, 1959