

SPECIAL BOARD OF ADJUSTMENT NO. 173

Award No. 30  
Case No. 29

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 of May 1, 1955 on Saturday, July 28, 1956 when they permitted and required Vincent E. Welch, an employee assigned to relieve Storekeeper on July 28, 1956, to perform all the duties of two regularly assigned Relief positions -- Relief Storekeeper and Relief Store First Helper-Countermand.
- (2) Carrier shall now compensate Alva Chadd an additional eight hours' pay at rate of time and one-half at Stores First Helper 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.

On the record of this case, it cannot be said either that Relief Storekeeper Welch was so extensively deployed on countermand work as to construe his performance as the actual filling of a vacancy in the latter job category, or that there was such a substantial amount of countermand work to be handled as would effectively impugn the Carrier's action in blanking the position on that date. No vacancy was declared, and claimant, having worked his own assignment, and having been compensated for eight hours on the day in issue, has no grounds for complaint.

AWARD:

1. That the intermittent performance of countermand duties by Relief Storekeeper on July 28, 1956, did not violate Clerks' Agreement.
2. Claim denied.

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/s/ Harold M. Gilden  
Chairman

/s/ A. J. VanDercreek  
Carrier Member

/s/ C. F. Bignall  
Organization Member