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SPECIAL BOARD OF ADJUSTMENT NO. 173

Award No. 13  
Case No. 3

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 on the Union Pacific Railroad Company, that Carrier violated Rules 38 and 49 of Agreement dated February 1, 1952:

(1) When on January 8, 1953 they required C. F. Bignall to report at Kansas City, Missouri as Company witness in an investigation and refused to properly compensate C. F. Bignall for services performed away from home terminal.

(2) Carrier be required to properly compensate Mr. C. F. Bignall, i.e., an additional 6 hours, 40 minutes at the time and one-half rate of his regular position of Ticket 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 has jurisdiction over the dispute involved herein. The parties to said dispute were given due notice of hearing thereon.

The amount of compensation due to an employee who serves as a Company's witness at the Carrier's request, is prescribed by Rule 49. That provision clearly specifies that the remuneration will be equal to that which would have been earned in the performance of the employee's regular assigned duties.

The payment of 3 hours straight time at the claimant's regular rate of pay, plus reimbursement for expenses incurred, completely satisfied such requirement, and nothing more is owing. Rule 38 is not applicable in the instant circumstances.

AWARD: Claim denied.

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/s/ Harold M. Gilden, Chairman

/s/ A. J. VanDercreek, Carrier Member

/s/ C. F. Bignall, Organization Member

Omaha, Nebraska  
March 24, 1958