

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 Employees

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 employees 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 employees 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.

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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