

SPECIAL BOARD OF ADJUSTMENT NO. 173

Award No. 20
Case No. 25

PARTIES TO DISPUTE: Brotherhood of Railway and Steamship Clerks,
Freight Handlers, Express and Station Employees

Union Pacific Railroad Company

STATEMENT OF CLAIM: "(a) That Carrier violated the Clerks' Agreement, effective May 1, 1955, when it failed to compensate Paul A. Carmody at Seattle, Washington at rate of time and one-half for services rendered on November 13, 1955, his sixth day, and

"(b) That Carrier shall now compensate Paul A. Carmody the difference between the prorata rate he was paid and the rate of time and one-half he should have been paid for services rendered on date of claim."

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.

Taking cognizance of the meaning which Rule 41 (i) of the May 1, 1955 Agreement places on the term "work week", it follows that claimant began working in a new work week on Thursday, November 10, 1955, pursuant to the terms of the newly inaugurated work schedule. Thus, Sunday, November 13, 1955, was in fact, the fifth work day of the revised Wednesday to Sunday work week, and not, as here alleged, the sixth work day of the previous work week which had started on Tuesday, November 8, 1955. In that claimant did not work in excess of five days in the scheduled work week effective November 10, 1955, this claim is without merit. See Award 7320, National Railroad Adjustment Board, Third Division.

AWARD: (a) The failure to compensate Paul A. Carmody at Seattle, Washington, at time and one-half rate for services rendered on November 13, 1955, was not a violation of the Clerks' Agreement.

(b) Claim denied.

SPECIAL BOARD OF ADJUSTMENT NO. 173

/s/ Harold M. Gilden

Chairman

/s/ A. J. VanDercreek

Carrier Member

/s/ Stanley B. Eoff

Organization Member

Salt Lake City, Utah
June 20, 1958