

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

Omaha, Nebraska
February 24, 1959