

C O P Y

SPECIAL BOARD OF ADJUSTMENT NO. 173

Award No. 5

Case No. 13

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 Article 5 of the December 17, 1941 National Vacation Agreement when they rescheduled Claimant Ernest E. Haley's 1954 vacation from August 30, 1954 to September 13, 1954, both inclusive, to run from August 30, 1954 through September 13, 1954.

"(2) Carrier shall allow Claimant Ernest E. Haley an additional day's pay or an additional day's vacation account of this rescheduling."

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.

In that the provisions of the Agreement of August 21, 1954, were applicable to the balance of the vacation which claimant was scheduled to start on August 30, 1954, Labor Day, 1954, counted as a day of vacation. Carrier was entitled to include same in its computation of claimant's full vacation allotment. See Award No. 2, Case No. 7, Special Board of Adjustment No. 173. Such handling did not constitute a violation of Article 5 of the December 17, 1941 Agreement.

Award: Claim denied.

Special Board of Adjustment No. 173

/s/ Harold M. Gilden, Chairman

/s/ A. J. VanDercreek, Carrier Member

/s/ C. F. Bignall, Organization Member

Omaha, Nebraska
December 26, 1957