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SPECIAL BOARD OF ADJUSTMENT NO. 173

Award No. 9  
Case No. 16

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 certain rules of the Agreement dated May 1, 1955, and Agreement dated December 11, 1936, when on September 16, 1955, Carrier permitted and required four employees without any seniority right to unload carload of cotton from bad order car at freight dock Laramie, Wyoming.

2. Carrier shall now allow E. E. Gaskill, Dean L. Dawson, Charles W. Pritchard and Dave W. Fowler eight hours' pay at the rate of time and one-half of their regular assigned positions."

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 unloading of lading from a bad order car, whether performed at the freight house platform or elsewhere, is readily distinguishable from the range of activities which are traditionally associated with the freight handling job content. Because such exertion is not indelibly identified with the work sphere reserved to freight station employees by the Clerks' Agreement, the claimants herein may not successfully assert a sole and paramount right to its performance. See Award No. 4465, National Railroad Adjustment Board, Third Division.

AWARD: Claim denied.

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/s/ Harold M. Gilden, Chairman

/s/ A. J. VanDercreek, Carrier Member

/s/ C. F. Bignall, Organization Member  
(Employee Member dissenting under the  
principle laid down in Award 3826.)

Omaha, Nebraska  
March 24, 1958