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SPECIAL BOARD OF ADJUSTMENT NO. 173

Award No. 11  
Case No. 1

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 scope rule and other rules of the Agreement dated February 1,  
1952, when they allowed and permitted supervisory Agent C. E. Graff to do certain  
yard check work at Topeka, Kansas, on August 8, 9, 12 and 13, 1952.

(2) Carrier now compensate Claimant M. F. Dillman on basis of call for August 8,  
9, 12 and 13, 1952."

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 matters not that the unsolicited intrusion (upon the work area  
reserved to clerical employees covered by the Clerks' Agreement) was motivated by  
good intentions. So long as there is a clear showing (as there is in this instance)  
of a usurpation of job duties regularly delegated to employees in the bargaining  
unit, the sought after recovery herein is amply warranted.

AWARD: Claim sustained at straight time rate for each day involved herein.

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/s/ Harold M. Gilden, Chairman

/s/ A. J. VanDercreek, Carrier Member  
(I dissent)

/s/ C. F. Bignall, Organization Member

Omaha, Nebraska  
March 24, 1958