

The Second Division consisted of the regular members and in addition Referee Robert A. Franden when award was rendered.

Parties to Dispute: (International Association of Machinists
(and Aerospace Workers
(
(Missouri Pacific Railroad Company

Dispute: Claim of Employees:

1. That the Missouri Pacific Railroad Company violated the controlling Agreement, particularly Rules 26(a) and 52(a), when they arbitrarily assigned other than the Machinists' Craft to change a tire on forklift truck #30 on December 30, 1975.
2. That accordingly, the Missouri Pacific Railroad Company be ordered to compensate Machinist T. E. Burke in the amount of four (4) hours' pay at the punitive rate of pay for a Machinist for being denied the right to change the tire on forklift truck #30 on December 30, 1975.

Findings:

The Second Division of the Adjustment 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.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

The claim is based on an alleged violation of Classification of Work Rule 52(a) and Assignment of Work Rule 26(a). The alleged violation occurred when Carrier assigned employees other than machinists to perform the work of changing a tire on a forklift truck.

The Organization would have us read the Classification of Work Rule to specifically cover the work in question. They argue that "maintaining machinery and other shop machinery" is specifically covered. We cannot agree. The reference in the employees' submission to those sections of Rule 52(a) pertaining to repairing of machinery and other shop machinery must be read in context of the entire rule.

"RULE 52. (a) Machinists' work, including regular and helper apprentices, shall consist of laying out, fitting, adjusting, shaping, boring, slotting, milling and grinding of metals used in building, assembling, maintaining, dismantling and installing machinery, locomotives and engines, (operated by steam or other power), engine inspecting; pumps, engine jacks, cranes, hoists, elevators pneumatic and hydraulic tools and machinery, shafting and other shop machinery, ratchet and other skilled drilling and reaming except on drill presses; tool and die making, tool grinding, axle truing, axle, wheel and tire turning and boring; air equipment, lubricator and injector work; removing, replacing grinding, bolting and breaking of all joints on exhaust pipes and super-heaters; oxyacetylene, thermit and electric welding on work generally recognized as machinists' work; the operation of all machines used in such work; machine and link grinding and passenger motor cars; removing, repairing and applying trailer and engine trucks and parts thereof; cab stands or sheets, waste sheets, runningboard brackets, headlight brackets, hand rail brackets, smoke stack saddles, smoke stacks, sand boxes and dome castings; locomotive spring and spring rigging work, driver brake and brake rigging; and all other work generally recognized as machinists' work. Machinists may connect and disconnect any wiring, coupling, or pipe connections necessary to make or repair machinery or equipment."

We do not find the work which is the subject of this claim to be specifically reserved by the rule.

The organization has also alleged that the past practice on this Carrier was such as to vest the work of changing fork lift tires in the machinists. Where past practice is alleged it is incumbent upon the organization to bear the burden of proof. We have carefully considered the record in this case and find the organization to have failed to meet the burden imposed upon it in this regard. Past practice remains an unproved assertion. We must deny the claim.

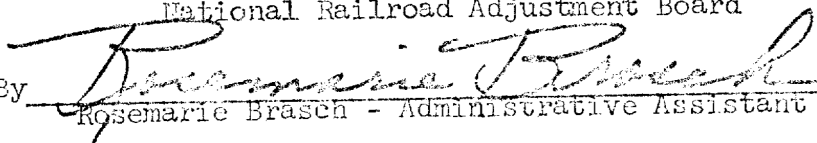
We find that the Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By 
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 1st day of November, 1978.