

The Second Division consisted of the regular members and in addition Referee Edward L. Suntrup when award was rendered.

PARTIES TO DISPUTE: (Sheet Metal Workers' International Association
(Southern Pacific Transportation Company (Western Lines)

STATEMENT OF CLAIM:

Claim 48 hours at the Quality Control Inspector F.L.I. rate of pay for claimant Sheet Metal Worker C. A. Davies.

FINDINGS:

The Second Division of the Adjustment Board upon the whole record and all the evidence, finds that:

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employes 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.

It is the contention of the Organization that the Carrier violated Rules 33 and 77 of the Agreement when the Claimant's position was abolished on April 18, 1985 and the inspecting duties of his position were performed on April 19, 22-24 and May 2 and 7, 1985, by a Quality Control Inspector who is a Carrier Supervisor. The Rules, in pertinent part, read as follows:

"Rule 33 (a) - None but mechanics or apprentices classified as such, shall do mechanics work as per special rules of each craft, except foremen at points where no mechanics are employed. This Rule does not prohibit foremen, in the exercise of their supervisory duties from performing mechanics work."

"Rule 77 - Sheet Metal Workers' work shall consist... and all other work generally recognized as Sheet Metal Workers' work."

The Claimant held a regular position as a Quality Control Inspector, responsible for Federal Locomotive Inspection Reports and "other Lead Sheet Metal Worker Duties." Among the duties he performed were various Quality Control Inspections and Reports.

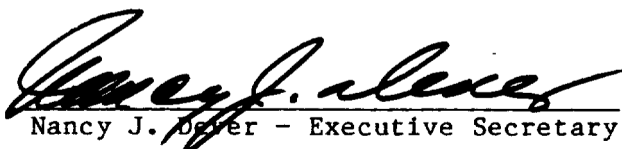
The Carrier responds to the claim by stating that the Quality Control Supervisor did, in fact, inspect units on the dates in question. It holds, however, that such was in line with the performance of the Supervisor's normal duties. The Carrier argues that Quality Control Inspectors have always retained the authority to plan, conduct, audit and document inspections as a matter of past practice.

After study of the record the Board must underline that for the Organization to prevail in a claim such as this it must substantiate that the work in question falls under the Classification of Work Rule, or that the work in question had historically and exclusively been performed by Sheet Metal Workers. The Board is unpersuaded that the duties in question in this instance fall under the category of "...all other work generally recognized as Sheet Metal Workers' work." In addition, the Carrier has consistently argued throughout the handling of the claim on the property, and in its Submission to the Board, that the tasks performed by the Quality Control Inspector were consistent with past practice. The Organization has failed to refute this argument by means of probative evidence.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: 
Nancy J. Dwyer - Executive Secretary

Dated at Chicago, Illinois, this 25th day of January 1989.