

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 10755
Docket No. 10563
2-SP-MA-'86

The Second Division consisted of the regular members and in addition Referee Paul C. Carter when award was rendered.

(International Association of Machinists and Aerospace
(Workers

Parties to Dispute: (

(Southern Pacific Transportation Company

Dispute: Claim of Employees:

1. That the Carrier improperly assigned Quality Control officer W. Dausses the task of troquing traction motor support bearing lubricating wick cap bolts using a torque wrench, on November 5, 1982.

2. That, accordingly, the Carrier be ordered to compensate Machinist T. Carreras (hereinafter referred to as Claimant four (4) hours pay).

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.

The Organization contends that on November 5, 1982, Carrier assigned a Quality Control Officer the task of retroquing traction motor support bearing lubricating wick cap bolts with a torque wrench on a rebuilt motor stored in the diesel ramp, and claims a violation of Rules 33(a), 57 and Memorandum of Agreement "A".

The Carrier contends that the duties of torquing the lubricator wick bolts on the rebuilt traction motor had previously been completed by a Machinist and that the Quality Control Officer only checked the completed work for compliance with standards and requirements, and that the process took only a fraction of an hour.

A review of the record shows that the basis of the Organization's claim is because the Quality Control Officer used a torque wrench, or a tool, in checking the work previously performed by a Machinist.

We do not agree that the use of a torque wrench as a tool is reserved exclusively to any class of employes. No employe has the exclusive right to the use of a tool. In Award No. 6696 this Board held:

". . . It is well established that no employee 'owns' a piece of equipment belonging to Carrier and has exclusive rights to use same."

In Award No. 7642 we held in part:

". . . The mere fact that a specific tool is being used does not automatically bring the work within the scope of the rule. The organization must first show that the work falls within the scope of the rule before a violation of a work classification rule can be established. The term 'work' admittedly has numerous meanings."

See also Award Nos. 8072, 6266 and 6701 of this Division. In Award No. 8072 we quoted the following from Third Division Award No. 12231:

". . . In the course of supervisory work, there are occasions when the supervisor finds it necessary to actually use tools, as was done in the instant case"

The use of the torque wrench by the Quality Control Officer in the present case was strictly in connection with his duties as a Supervisor to check the work previously performed by a Machinist. Such was not in violation of any Agreement Rule cited.

In view of our finding no violation of the Agreement, it is not necessary to pass upon the argument of the Carrier concerning the de minimus doctrine, although such doctrine has been upheld in numerous Second Division Awards: 4361, 4787, 7079, 7587, 7983, 8778, and 8818.

The Claim will be denied.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 26th day of February 1986.