

301.1 & 301.3(c): A GC employee rehired via 306.14 within 30 months of layoff is entitled to expenses per 301.4. Section 301.3(c) inadvertently not updated - should say "... rehired within 30 months after layoff....".

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MEMORANDUM OF DISPOSITION
San Francisco Division Grievance No. SFO-96-31
Fact Finding File No. 6455-96-166

CASE CLOSED
FILED & LOGGED

Grievance Issue:

This case concerns whether or not the grievant, a GC employee, is entitled to expenses under Section 301.1, rather than being excluded under 301.3(c), after being rehired pursuant to Section 306.14 of the Agreement.

Discussion:

The Fact Finding Committee met on October 23, 1996 to discuss the facts of the case.

The grievant was included in Review Committee 1699 which extended rehire rights to certain GC employees who were laid off between December 1, 1992 and February 16, 1993. Grievant was laid off December 17, 1992, and his rehire rights were extended from July 20, 1994 until January 20, 1997 (30 months from the execution of RC 1699, and in accordance with the new language in 306.14).

Grievant's original hire date is 9-13-90. Grievant was rehired most recently on April 23, 1996 in Redwood City, (his previous work location was North Fork and his primary residence is Auberry). He was denied expenses when he returned because Company defined his Residence Area and per diem eligibility under 301.3(c)(2) which states:

"An employee who, after 12-31-87, is newly hired, rehired more than one year after layoff due to lack of work or rehired after any other type of termination must designate a Residence as defined in Subsection 301.3(a) or (d). However, this employee shall not be eligible for per diem expenses as provided in Section 301.4 until the employee is transferred..."

However, 301.1 states that:

"Employees who are transferred from a present headquarters to one at a new location, or who are reemployed at a new location within thirty months after layoff for lack of work at a previous location, shall be allowed expenses as provided for in Section 301.4."





Decision:

The Fact Finding Committee agreed that the intent of 301.3(c) was that employees extended rehire rights under 306.14 are not eligible for expenses under 301.4 if rehired more than 30 months after layoff due to lack of work (rather than if rehired more than one year after layoff). The Committee agreed that Company shall reimburse the grievant for expenses retroactive to his rehire date of April 23, 1996.

The parties agreed to the system-wide distribution of this Fact Finding decision.

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Signatures:

 _____	concur/dissent	<u>1-22-97</u> date
 _____	concur/dissent	<u>1/23/97</u> date
 _____	concur/dissent	<u>1-22-97</u> date
 _____	concur/dissent	<u>1-23-97</u> date