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DIVISION OR
DEPARTMENT

INDUSTRIAL RELATIONS

FILE NO.

741.5

RE LETTER OF
SUBJECT

Humboldt Division Grievance No. D.Gr/C 19-74-2
 Alleged Improper Relief Assignment, R. P. Flohaug
 P-RC 121

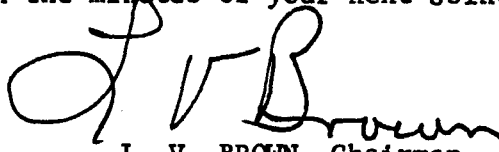
December 16, 1974

MR. R. C. ATKINS, Chairman
 Humboldt Division
 Joint Grievance Committee

The above-subject grievance has been reviewed by the Pre-Review Committee prior to its docketing on the agenda of the Review Committee and is being returned to the Division for settlement in accordance with the following:

The unresolved issue in the case is one of whether Section C-3C of the Labor Agreement Clarification, Titles 202, 205 and 208, Utilization of Relief Shift Employees, dated November 1, 1967, overrides Section C-3C(1) of the same clarification when they are in direct conflict with each other. It is obvious that one or the other section is wrong and to that end the Pre-Review Committee agrees that the answer to the question can be found in the parties' intent when the clarification was negotiated. In reviewing the Agreement in its entirety and the past bargaining history relative to this clarification, the Pre-Review Committee is of the opinion that it was never intended that the Company need consider a shift employee in a higher classification whenever a relief shift employee in the same or higher classification was not available and the qualified employee could not be upgraded on the watch. Therefore, the case will not be accepted by the Review Committee and is considered closed.

As to the obvious mistake in the Agreement, the Pre-Review Committee agrees that a letter of interpretation should be entered into by the parties removing the words "or higher" from Section C-3C(1). The closure should be so noted in the minutes of your next Joint Grievance Committee meeting.


 L. V. BROWN, Chairman
 Review Committee

DJBergman:rto

cc: GFClifton, Jr.
 IWBonbright
 Personnel Managers
 LNFoss, IBEW