

REVIEW COMMITTEE DECISION

Review Committee File Number 217
San Francisco Division Grievance Number 98

Subject of Grievance

The grievance surrounds the placing of a Mr. Baker, a supervisory employee, in a Machinist vacancy in the Steam Maintenance Department, San Francisco Division. On February 18, 1959, he returned from an extended sick leave but was unable to carry on the responsibilities of his regular job. The Division then placed him temporarily in a Machinist classification. Thereafter, on July 1, 1959, Mr. Loverde, a Maintenance Subforeman, was selected to succeed Mr. Baker as Mechanical Foreman. This resulted in a Subforeman vacancy which was posted for bidding on August 1, 1959. On August 17, 1959, Mr. Mortelli, a Machinist, was appointed as successful bidder to the vacant Subforeman classification. Following this, Mr. Baker was appointed to the vacant Machinist position on a regular basis under the provision of Section 206.10 (b).

Statement and Decision

Section 206.10 (b) of the Labor Agreement provides that a Supervisor may be demoted into a vacancy in the collective bargaining unit which has been created by the concurrent transfer or promotion of an employee out of such unit in connection with such demotion. In the application of this Section, the word "concurrent" can be given different meanings. The most usual meaning is that the demoted Supervisor would replace an employee in the bargaining unit and that employee in turn would take the supervisory job. However, as has occurred in this grievance, the word "concurrent" can also be applied to successive promotions in the normal line of progression where the supervisory vacancy contributed to the creation of a vacancy in a lower classification than that used to fill the supervisory vacancy. From this, it is clear that the demotion of Mr. Baker to the classification of Machinist could be effected under the provision of Section 206.10 (b).

Although the foregoing conclusion satisfies the requirements of the Agreement as to the filling of the vacancy, it does not bring into focus all of the circumstances surrounding the grievance. It is noted from the record that the employee was placed in a temporary Machinist classification for a period of about six months following

Review Committee File Number 217

his return from sick leave, and that thereafter he was placed in the job on a regular basis. Undoubtedly, the lapse of such a period of time before the classification was regularly filled under the provisions of Section 206.10 (b) could result in employee's misunderstanding of the Division's application of the contract, in that they may have felt the vacancy should have been posted. To avoid misunderstanding in cases such as this, the employees concerned should be informed of the vacancy which is ultimately to be filled in a lower classification owing to the successive promotions involved, and of the reason for the delay incurred.

FOR UNION:

Kenneth Stevenson
W. M. Flemin
L. L. Mitchell

By L. L. Mitchell

Date May 9, 1961

FOR COMPANY:

E. F. Sibley
C. L. Yager
V. J. Thompson

By V. J. Thompson

Date March 17, 1961