

REVIEW COMMITTEE DECISION

Review Committee File No. 440  
San Jose Division Grievance No. 8-22

Subject of the Grievance

The grievance concerns whether the provisions of Section 205.8 are applicable under the following facts: A Storekeeper at Gilroy submitted a bid to a Storekeeper vacancy in San Jose, posted in the Employment Bulletin dated April 1, 1963. The vacancy occurred at Substore 184, located at 65 North Montgomery, San Jose. Previous to this, the employee had worked at Substore 170, located at 650 Lenzen, San Jose, as a Senior Warehouseman, until March 1 of 1963 when he received an appointment to his present job as a Storekeeper at Gilroy.

Discussion

The central area of dispute in the grievance surrounds the meaning of the term "same headquarters" as it is used in Section 205.8. If, for example, the term refers to the locale, or city, as the jobs are posted, then the Division's application of the section was proper. If, on the other hand, the term means individual headquarters within a city where employees are regularly assigned, then the exclusion of the grievant's bid under the provisions of Sub-section 205.8(a) was improper.

The Review Committee is cognizant of the compelling reasons advanced for the adoption of the first interpretation of the section to give effect to the underlying principle involved in Section 205.8. Notwithstanding these arguments, however, the Review Committee will, as it has in a past interpretation of this section, strictly construe the language of the section. Thus, in this case, for the purposes of applying Section 205.8, the employee has not bid to a vacancy in the same headquarters to which the employee was regularly assigned and in which he worked in the next lower classification within the preceding twelve months.

Decision

The previous award of Job Vacancy No. 8:65 shall be set aside, and the appointment to such vacancy offered at this time to the grievant concerned in this case.

FOR UNION:

R. W. Fields  
W. M. Fleming  
L. L. Mitchell

By L. L. Mitchell

Date March 3, 1964

FOR COMPANY:

E. F. Sibley  
C. L. Yager  
L. V. Brown

By L. V. Brown

Date February 28, 1964