

INDUSTRIAL RELATIONS
741.5

Review Committee Files Nos. 390, 456, 484, 507 and 546
San Jose Division Grievances Nos. 8-10, 8-63-1,
8-63-3, 8-63-7 and 8-63-6

PC 544

January 15, 1965

MR. G. E. BISHOP, Chairman
San Jose Division
Joint Grievance Committee

The Union has recently informed the Company members of the Review Committee that the above subject grievances have been withdrawn from the agenda of the Review Committee. We are attaching copies of the Union's statements of withdrawal for your information.

It will be in order for you to note in the minutes of your next Division Joint Grievance Committee meeting that these cases are considered closed.

L. V. BROWN

L. V. BROWN, Chairman
Review Committee

LVB:RS
Attach.

cc: VJThompson
EFSibley
CLYager
LJBrundige
LLMitchell

Review Case #546
San Jose Division Grievance #8-63-6

R. C. #546 involves discipline for violation of Safety Rule 409. Our information leads us to believe this rule has not been applied by Division management in a manner consistent with the language of the rule as it is written. This grievance raises a question regarding different applications of this rule by different people. The rule specifically restricts work above energized circuits when it is possible to do it from below. We feel it should be applied consistently by all and orders to deviate by a supervisor should not be condoned any more than a deviation by the workman. If Company intends the rule to be subject to modification based on judgment by an individual, then it should be clearly stated in the rule.

This case has served to spotlight a safety problem in the area from which it originated. We believe it has resulted in providing improvements in safety measures in this area and has thus served a useful purpose. Even though we believe the application of the rule by Division management in other situations has not been as stringent as in this case, the grievant has admitted a violation of the rule and accepted responsibility for it. The use of discipline for the violation of Rule 409 makes it clear that the rule should be observed by all and the use of judgment should not be used to provide a deviation.

We, as advocates for a grievant, are faced with a limited defense when the facts of a case show a violation did occur. Therefore, we are not in a position to carry this grievance beyond its present level. We are withdrawing it from the active file and consider this grievance closed.

L. L. Mitchell, Secretary
Review Committee