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	November 8, 1972	

DIVISION OR DEPARTMENT **INDUSTRIAL RELATIONS**

FILE NO. **741.5**

RE LETTER OF SUBJECT

Review Committee File No. 1161
San Joaquin Division Grievance No. D.Gr/C 25-72-2
Request for Payment of Full Eight Hours
Temporary Upgrade (F. A. Day)

MR. A. O. CLARK, Chairman
San Joaquin Division
Joint Grievance Committee

This case is returned to your Committee for final disposition as follows:

At the outset it should be noted that the amount of money involved in this case is negligible, so much so in fact that this Committee does not feel it worthwhile to spend additional time arguing that point. For this reason, the grievant will be paid the two hours in question as a Subforeman without prejudice to the position of either Union or Company.

The principle involved, however, is a different matter. Neither the job definition for Line Subforeman nor the provisions of the Labor Agreement dealing with temporary upgrades (Section 204.3) prohibit the continuation of a temporary upgrade under these circumstances following the return of the regular Subforeman. This Committee can envision a complex job situation where it would be inefficient to change crew leaders in midstream, even though in the usual situation it is expected that the temporary upgrade situation will end on the return of the regular Subforeman.

The nub of the question here, insofar as the Joint Statement of Facts sets out what happened, is whether the regular Subforeman had the authority to continue the temporary upgrade once he returned. That question is not one, however, involving an interpretation of the Labor Agreement; rather, it deals with the Division management's rules for delegation of authority.

Inasmuch as the question remaining is not within the scope of this Committee's authority, this case is closed and should be so noted in the minutes of your next Joint Grievance Committee meeting.

L. V. Brown
L. V. BROWN, Chairman
Review Committee

LVB:RS

- cc: EEFoley
- IWBonbright
- JAFairchild
- HJStefanetti
- FCortese
- DSSolberg
- LNFOss, IBEW