

REVIEW COMMITTEE DECISION

Review Committee File No. 1263
San Jose Division L.I.C. Grievance No. 8-72-32

Statement of the Facts

This case comes on to Review on a confusing record of facts. Basically, the dispute involved here concerns a period of a few days that the employee was off work following the effective date the employee first announced he was resigning. At the time, he was a T&D Driver. Just shortly before the last day he intended to work the employee told his Supervisor that he wished to rescind his resignation. Because of their dissatisfaction with his work record, they declined to permit him to rescind the resignation. He was off the payroll for several days when he was reinstated at a different headquarters in a lower position as a regular employee with his seniority, except for the period of time that he was off, intact. Sometime later the employee again submitted his resignation, and this time he did not attempt to rescind it.

Discussion

The Local Investigating Committee's referral to Review raises two questions: (1) Was the "resignation" rescinded? And (2) if so, is the grievant entitled to pay for the days he was off before starting work at the new headquarters?

As to the first, the question was self-resolved by his reinstatement as a Groundman with regular employee status. As to the remaining question, the critical fact here is his leaving the payroll as a T&D Driver and returning in a lower job at another headquarters. This is tantamount to a layoff because of dissatisfaction with his job performance as a truck driver; and for this reason, the grievant is not entitled to pay for work not performed. With respect to the fairness of the layoff without pay, it must be remembered that previously the grievant worked as a Groundman for the same reason from July 13, 1972, through September 29, 1972, but was compensated at the T&D Driver rate of pay.

Decision

The case is closed without adjustment.

FOR UNION:

W. H. Burr
E. R. Sheldon
L. N. Foss

By



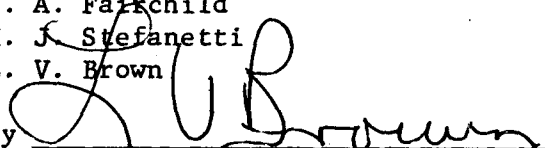
Date

11-28-73

FOR COMPANY:

J. A. Fairchild
H. J. Stefanetti
L. V. Brown

By



Date

11-28-73