

REVIEW COMMITTEE

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L.N. FOSS, SECRETARY

D.J. BERGMAN, CHAIRMAN

REVIEW COMMITTEE DECISION

- DECISION
 LETTER DECISION
 PRE-REVIEW REFERRAL

Review Committee File No. 1450-78-17
Fact Finding Committee No. 920-78-213
San Jose Division Grievance No. 8-244-78-43

Subject of the Grievance

At issue in this case is the Company's application of the provisions of the clerical wage settlement following the negotiations for the 1976 wage package.

Facts of the Case

The grievant in this case was employed on August 23, 1971, as a Clerk D in San Jose, Central District Customer Services Department. She remained in such position until February 3, 1977, when she was temporarily upgraded to Clerk C at which time she was paid at the two-year step of Clerk C under the column marked "hired after 12/31/75" in the clerical wage schedule. On November 7, 1977, the grievant was appointed to a part-time Customer Services Clerk position at a rate of pay corresponding with the top rate of pay of a Clerk D in the column marked "hired before 1/1/76" in the clerical wage schedule. On May 22, 1978, the grievant transferred to a Clerk D position in Clerical Operating. She was paid at the top rate for Clerk D in the column marked "hired after 12/31/75."

Decision

Discussion among the Review Committee members centered on the Exhibit contained in the 1976 wage package, which explained the provisions of the clerical wage settlement. Specific reference was made to the following ground rules contained therein for placing people in the new wage progressions established for Clerks D and C, part of which is cited below:

"Establish the following wage progressions effective January 1, 1976, for all employees hired or transferred from another bargaining unit for reasons other than health or partial disability into these classifications after December 31, 1975."

The Committee took particular note that the provisions of this agreement referred only to employees transferring in from another bargaining unit and not transferring from job to job within the clerical bargaining unit. For this reason then, it is the opinion of the Committee that any employee in a clerical bargaining unit classification on December 31, 1975, and who has remained in the clerical bargaining unit and subsequently transfers to Clerk D will be placed under the provisions of Title 13 of the Clerical Agreement in the red-circle or "hired before January 1, 1976" wage schedule.

Although not at issue in this case, the Committee also agreed that an employee who transferred into the clerical bargaining unit after 12/31/75, from a clerical, non-bargaining unit position, would be placed in the "hired after 12/31/75" wage progressions.

With respect to this specific case, the Review Committee understands that the grievant is no longer on the payroll and, in her case, this issue is moot. With respect to the issue raised in the grievant's situation, however, the Review Committee agrees to close this case on the basis of the understanding outlined above. This case is considered closed.

FOR COMPANY:

F. C. Buchholz
J. B. Stoutamore
D. J. Bergman

FOR UNION:

G. W. Abrahamson
W. H. Burr
L. N. Foss

By *D. J. Bergman*

Date 12-15-78

By *L. N. Foss*

Date 12-15-78