

MEMORANDUM OF DISPOSITION

San Jose Division Grievance No. 8-1100-87-11  
Fact Finding Committee No. 3827-87-51

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On April 10, 1987, a Fact Finding Committee consisting of Rick R. Doering, Industrial Relations Representative; Marty Rateau, Industrial Relations Representative; Dorothy Fortier, Union Business Representative and Bill Twohey, Union Business Representative, met to discuss this case.

Subject of the Case

The central issue in this case is whether classifications with secondary skill requirements should be considered as separate classifications or whether the base classification is the determinant in the proper application of Section 19.16 of the Clerical Agreement.

Facts of the Case

The Edenvale Service Center had four Operating Clerks, which were held in the following order of seniority:

Operating Clerk-Typist (Lazelere)  
Operating Clerk-Steno (McIntosh)  
Operating Clerk (Gilbert)  
Operating Clerk (Yaiter)

With the opening of the Cinnabar Service Center, Company desired the following organization in the Operating Clerk classification:

<u>Cinnabar</u>	<u>Edenvale</u>
Operating Clerk-Typist	Operating Clerk
Operating Clerk-Steno	
Operating Clerk	

In order to accomplish the relocation to Cinnabar, Company considered each Operating Clerk with a skill requirement to be a separate classification and applied Section 19.10. Therefore, the Typist and Steno were not allowed the opportunity to stay at Edenvale.

Discussion

In discussion of this case, the Committee reviewed Letter Agreement 87-34, the clarification of Title 19 - Demotion and Lay-off Procedure for the Clerical Agreement. While the clarification does not specifically address Section 19.16, the Committee noted the following language in Sections 19.3 and 19.4 - same classifications:

"Includes derivatives of the primary classification plus secondary requirements, i.e., combination classifications (base classification plus skills, such as Credit Representative and Meter Reader or Utility Clerk-Typist) and dual classifications (primary classification listed first, such as Utility Clerk/Meter Reader.) However, if the displacing employee does not possess the necessary secondary

requirement, such employee shall then be allowed to displace the junior employee in the base classification (the one which has no secondary requirement)."

Following this reasoning, the Committee determined that for purposes of Section 19.16, all derivatives of Operating Clerk should be considered the same classification. In examining the individuals involved, the Committee noted that Ms. Gilbert was a qualified Steno and Typist. Therefore, Ms. Lazelere and Ms. McIntosh, in that order, should have been afforded the opportunity to stay at Edenvale. The Committee agreed that if Ms. Gilbert did not have the necessary secondary skills, the relocation would have been effected properly.

Disposition

The Committee agreed based on the facts presented, to offer each of the employees in the base classification of Operating Clerk the opportunity to choose between the two service centers. If there are not the appropriate number of volunteers for the two locations, the junior employees that are in the base classification and have the skill requirements, will be assigned to the new headquarters.

The Committee agreed further that if Ms. McIntosh elects to return to Edenvale, she will receive an equity settlement of one-half of her entitlement in accordance with Section 10.8 of the Agreement.

The parties agree to distribute this case for future system-wide application.

D. Fortier concur/~~dissent~~ 6-8-87  
DOROTHY FORTIER, Union (Date)

Bill Twohey concur/~~dissent~~ 5/13/87  
BILL TWOHEY, Union (Date)

Rick Doering concur/~~dissent~~ 5/13/87  
RICK R. DOERING, Company (Date)

Marty Rateau concur/~~dissent~~ 5/26/87  
MARTY RATEAU, Company (Date)