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REVIEW COMMITTEE DECISION

FILE: R.C. No. 3 - General Construction Department Grievance No. 199
Demotion of Lester Elwood.

SUBJECT OF GRIEVANCE:

When the gas division reduced its crews in the Stockton area, Lester Elwood was demoted from the classification of Sub-Foreman to his former classification of Truck Driver, Heavy. Union contended that the employee was entitled to an election under Section 66(b), Article IV, which would allow him to displace another employee in the same classification (Sub-Foreman) who had less than five years of continuous Company service.

STATEMENT AND DECISION:

This grievance was referred on May 27, 1952 to the Personnel Manager for a hearing pursuant to Section 5(a), Article VI, of the Agreement between Company and Union, dated August 1, 1947. Subsequent to the referral it was agreed between Company and Union that the Review Committee established under Title 102 of the Agreement dated September 1, 1952, would review the grievance in lieu of holding a Personnel Manager's hearing. On December 9 and 16, 1952, the Review Committee considered this grievance and reached the following conclusion:

There is no provision in the Agreement of August 1, 1947, which provides for an employee election of lay-off in lieu of a demotion, therefore, no violation of contract was involved at the time Mr. Elwood was demoted. Such former Agreement has now been amended and under Title 306, "Demotion and Lay-off Procedure," of the Agreement dated September 1, 1952, an employee election in lieu of lay-off is provided in Section 306.1. It is the decision of the Review Committee that although the terms of the Agreement dated September 1, 1952, apply to cases arising since that date, such terms are not to be retroactively applied to cases considered under the terms of the former Agreement.

FOR UNION:

Ray Michaels
Don Grandstaff
L. L. Mitchell

By: /s/ L. L. Mitchell
Date: 12/31/52

FOR COMPANY:

H. F. Carr
R. J. Tilson
V. J. Thompson

By: /s/ V. J. Thompson
Date: 12/29/52