

REVIEW COMMITTEE DECISION

R.C. FILE NO. 66 - General Construction Department Grievance No. 31-233
Demotion of Gas Division employees at Redwood City

SUBJECT OF GRIEVANCE:

Reduction of personnel in the Gas Division of the General Construction Department was effected in the San Jose Division area during the months of December 1953 and January 1954. Grievances were filed on behalf of two employees, A. Amodeo and James Cahoon, Apprentice Welders, whom the Union claimed were improperly displaced in the demotion process inasmuch as their Company seniority was sufficient to retain their jobs. The General Construction Department insisted that the contract provisions were properly followed and that the demotion of the respective employees should stand as effected.

STATEMENT AND DECISION:

This case does not involve an interpretation of the demotion and lay-off procedure. Only the facts are in dispute. After the case was submitted to review, a detailed audit of the movement of gas welding personnel in the San Jose area during the months of December 1953 and January 1954 revealed that a mistake was made. Apparently the Department in the confusion of a number of personnel reductions and transfers which took place at that time overlooked the fact that James Cahoon had greater Company and classification seniority than some of the other apprentices in that area and, therefore, his demotion on January 25, 1954 was not in order. As to A. Amodeo the audit bears out that his demotion was proper. Further reference to the record of James Cahoon indicates that he was reinstated as an Apprentice Welder on August 24, 1954 and that he worked as a Helper from January 25, 1954 to August 24, 1954. His additional earnings had he continued working as an Apprentice Welder during such period, would have been \$430.78 based on a record of his employment between such dates. Whether or not he would have been demoted to a Helper subsequent to January 25, 1954 had he not been demoted on that date is a matter of conjecture. Obscure considerations make it difficult to determine what may have occurred if he had remained in the Apprentice Welder classification in the San Jose area.

For these reasons this Committee has decided that since the Department prematurely demoted Mr. Cahoon an equitable arrangement considering all the facts would be to reimburse him for loss in earnings in an amount of \$215.39 which is one-half the additional amount he would have earned had he continued as an Apprentice Welder for the full period between January 25 and August 24, 1954. This case will be considered closed when payment of such amount has been made to the employee.

FOR UNION:

Russell Stone, Jr.
Paul Devlin
Elmer B. Bushby

Elmer B. Bushby

Date 3/2/54

FOR COMPANY:

R. D. Smith
C. L. Yager
V. J. Thompson

D. L. Thompson
Date March 1, 1954