

REVIEW COMMITTEE DECISION

R. C. File Number 168

East Bay Division Grievance Number 115

Subject of Grievance:

The grievant was demoted from the classification of First Operator (wage rate \$108.70 per week) to that of Second Operator under the provisions of Title 206 of the Labor Agreement. At a later date he was awarded a First Operator job (wage rate \$98.50 per week) in the Division by means of the accelerated advancement clause of the Contract, Section 206.9. Thereafter, he bid to fill another First Operator vacancy (wage rate \$108.70 per week) and the Division awarded him such job, again using Section 206.9.

The Union contends the employee exhausted his accelerated rights under Section 206.9 when he was awarded a First Operator job following his demotion to Second Operator and that the further award by means of Section 206.9 was in error. The Division contended that the second award restored the employee to his former wage rate, therefore, it was proper to use Section 206.9.

Statement and Decision:

In the Division where this grievance arose the classifications of First Operator are, for bidding purposes, considered to be the same regardless of wage rate. It is our opinion, therefore, that when the grievant after his demotion regained a First Operator classification by means of the provisions of Section 206.9, the bid made by him thereafter to fill a First Operator vacancy in the Division should have been considered under Section 205.7(a).

The award of Job No. 1:50, First Operator, Station "X", which was the second award to the grievant under Section 206.9 should be cancelled and the vacancy reposted.

For Union:

Robert D. Bevers  
Kenneth Stevenson  
L. L. Mitchell

By L. L. Mitchell

Date May 27, 1958

For Company:

E. F. Sibley  
C. L. Yager  
V. J. Thompson

By [Signature]

Date May 13, 1958

3 SIGNED COPIES MAILED TO COMPANY 5/27/58  
COPY TO BEVERS AND STEVENSON.