

REVIEW COMMITTEE DECISION

Review Committee Decision No. 266
San Francisco Division Grievance No. 113

Subject of Grievance

The grievance concerns the time within which a grievance must be filed to receive consideration under Title 102 of the Labor Agreement. From the facts submitted to the Committee it appears that the Division declined to give consideration to a grievance submitted thirty-one calendar days from the date that an Emergency Relief First Operator received a disciplinary lay off. The disciplinary action occurred June 14 and employee submitted a grievance on July 15. The record indicates that Company's reply in writing on June 17 of its reason for levying the disciplinary action was received by the Union on June 21, 1960.

Statement and Decision

The question presented by this grievance for the determination of the Review Committee concerns the date from which a grievance may be filed. In answering the question it is necessary to consider the last paragraph of Section 102.6 of the Agreement which reads, "It is the desire of Company and Union that grievances be settled promptly. To facilitate such settlement, grievances shall, except as provided in Section 102.9, be filed not more than thirty (30) calendar days following the date of the action complained of, or the date that the employee became aware of the incident which is the basis for the grievance". The language of the first sentence of the quotation suggests that the restriction as to the time within which grievances will be filed shall be applied in a manner that will insure that the grievance receives prompt attention. The most practical interpretation then would be to accept a grievance from an employee within thirty (30) calendar days from the time that he first has knowledge of the incident. In this way all grievances will be given the same consideration and treatment and there will be no misunderstanding as to the time in which a grievance must be filed. Applying this application to the present grievance, then, the employee was informed of the disciplinary action to be taken by the Company on June 14, 1960. At that time the employee would have thirty calendar days in which to decide if he desired to submit the matter for determination under the Grievance Procedure. From this it would follow that his right to submit a grievance as to the disciplinary action taken by Company would expire July 14, 1960.

In view of the foregoing, the grievance submitted by the employee on July 15 was not filed in time to be given consideration under Title 102 of the Agreement.

FOR UNION:

Kenneth Stevenson
W. M. Fleming
L. L. Mitchell

By L. L. Mitchell

Date Jan 23, 1961

FOR COMPANY:

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

By V. J. Thompson

Date January 16, 1961