

REVIEW COMMITTEE DECISION

Review Committee File No. 356  
San Francisco Division Grievance No. 164

Subject of Grievance

In essence, the grievance poses the question as to what constitutes the "filing" of a grievance so as to bring it within the time limits provided in Section 9.5 of the Clerical Agreement. In the case at hand, the employee filed a grievance in writing with his Supervisor on January 29, 1962. The grievant's complaint concerned an incident that occurred on or before November 1 and again on November 14, 1961. On January 30, 1962, the Supervisor replied in writing that the grievance had not been received within the time limits provided in Section 9.5 of the Clerical Agreement and could not, therefore, be recognized as a valid grievance. At a later date the Union referred the grievance to the Division Joint Grievance Committee, stating that a discussion concerning the incident had been held between the Shop Steward and the Supervisor on November 1, 1961, and that such discussion, as the initial step of the Grievance Procedure, was a "filing" within the time limits specified in Section 9.5. As no agreement could be reached at the local level, the grievance was submitted to the Review Committee.

Discussion

Section 9.5 of the Clerical Agreement and its comparable section in the Physical Agreement, 102.6, were amended on July 1, 1959, and July 1, 1960, during which times the time limits presently provided in these sections were negotiated. At that time it was understood between the parties that a grievance would be considered "filed" when submitted in writing to the Supervisor on the form provided by the Union.

Decision

As more than 30 days elapsed between the occurrence of the last incident referred to in the written grievance and the date the complaint was referred to the Supervisor in writing, the grievance was not "filed" within 30 calendar days following the date of the action complained of and, therefore, is not entitled to consideration under the provisions of Title 9 of the Agreement.

FOR UNION:

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

By L. L. Mitchell

Date Aug 7, 1962

FOR COMPANY:

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

By V. J. Thompson

Date June 7, 1962