

REVIEW COMMITTEE DECISION

Review Committee File No. 782
East Bay Division Grievance No. D.Gr/C 1-67-18

Subject of the Grievance

The grievance concerns a period of scheduled overtime work performed on a non-work day by several clerks to post information from meter tags to field books. The dispute arose during the course of the day when non-bargaining unit supervisors apparently sorted some 1500 to 2000 meter tags, a task usually performed by the grievant. The Joint Statement of Facts indicates that the segregation of the meter tags was necessary to the clerk posters doing their work.

The grievant in this case was not scheduled to work, but alleges that the supervisors performed work usually assigned to her and that for this reason she also should have been scheduled to work the day in question. She asks for pay for the day.

Discussion

At the outset it is to be noted that this decision will not grant the correction sought by the grievant. The reason for this is, as we will discuss later, that the work which the grievant claims should have been assigned to her could also have been assigned to the clerks doing the posting. In this situation the failure to assign her to work the overtime day is not a violation of the Labor Agreement.

The facts, however, do raise a question that concerns non-bargaining unit supervisors performing a substantial amount of work usually done by a bargaining unit employee. There is no question but that this work is usually done by the grievant during regular work days.

The problem here is one of application of Company's statement during the negotiations of 1966 regarding the performance of such work by non-bargaining unit supervisors. The statement sets forth in general the principles to be observed in the assignment or performance of such work by these supervisors. Although no one rule will cover all of the possible situations where the statement might have application, the facts of this case point out an area in which the work should have been performed by available bargaining unit personnel.

First, we must assume from the number of meter tags processed by the supervisors that the work involved a significant portion of the work period. Further, the facts clearly do not give rise to an "emergency" situation inasmuch as segregation of the tags usually takes place before the posting commences and making arrangements to do this work on a non-work day should not differ materially from those followed on a work day. Thus, in such a situation, the supervisors would be expected, in planning for the overtime work, to consider whether it would be necessary to bring an additional person in on that day to do the sorting or, perhaps, to assign it to the clerks who would do the posting.

There are situations that can arise, and this case may have been one, where work like this for one reason or the other had not been anticipated. If so, it would appear to the Review Committee that the proper course for the supervisors to have followed would be to assign the sorting work to the posters if the calling in of an additional person at that time would cause a delay in the performance of the posters' work.

Decision

As stated above, the correction sought in this grievance is denied.

FOR UNION:

W. H. Burr
W. M. Fleming
J. J. Wilder

By

J. J. Wilder

Date

October 10, 1968

FOR COMPANY:

T. J. Bianucci
C. R. Machen
L. V. Brown

By

L. V. Brown

Date
