

REVIEW COMMITTEE DECISION

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LOCAL 1245, I. B. E. W.

Review Committee File No. 1095
East Bay Division L.I.C. Grievance No. 1-71-15

Subject of Grievance

The grievance concerns a one-day disciplinary layoff received by a Union Shop Steward for entering a Company garage during work hours and removing a motor vehicle complaint order from the garage. The investigation conducted by the Division further evidences that the grievant entered the garage at the request of a fellow employee, a Lead Mechanic, who asked that he obtain the complaint order and give it to the Lead Mechanic when he reported for work later that day. Although the record is not overly clear on this point, it appears that the Lead Mechanic was involved in a dispute with his supervisor and felt that the removal of the complaint tag by his supervisor would place his position in jeopardy, in the event the tag was inadvertently lost.

When the District became aware of the grievant's action, they met with him and afforded the grievant an opportunity to explain his action. Put in the best light for the grievant, it appears that at all times the grievant thought he was acting properly as a Shop Steward in entering the garage and removing the record.

Taking this into account, and after informing the grievant of the wrongful nature of this course of conduct, he was given a one-day disciplinary layoff.

Discussion

While the Company concedes the Union's right to relevant information necessary to adjusting or resolving possible grievances, at the same time the Company and Union members of the Review Committee recognize that such information must be requested and obtained in a proper manner. Removing a complaint tag, which is an official Company record, without the knowledge of Company and under conditions where there is no assurance that the tag will be returned, could have serious consequence if later the Company became involved in litigation over the matters contained in the Company record.

Looking to the facts of this case only, the Committee must make the finding that the Shop Steward's activity in this instance was not proper. A Shop Steward is not privileged to enter a Company building and remove a record without the knowledge or assent of the Company. In this instance, then, the Committee is not in a position to reverse the decision of the District, especially here where the offense was grave and the punishment relatively light.

Decision

The grievance is denied.

FOR UNION:

W. H. Burr
E. R. Sheldon
L. N. Foss

By s/L. N. Foss

Date February 14, 1973

FOR COMPANY:

J. A. Fairchild
H. J. Stefanetti
L. V. Brown

By s/L. V. Brown

Date February 14, 1973