

REVIEW COMMITTEE DECISION

Review Committee File No. 1388-75-17
Sacramento Division Grievance No. LIC 6-75-178 *CEW*

Statement of the Case

The case concerns the denial of a temporary upgrade of a Clerk C, Division Administrative Services to Clerk B, Division Administrative Services for a one-week period, the assignment being given instead to a more senior Clerk C in the same headquarters and Line of Progression but different department. The question here involves the significance, if any, of the senior Clerk being in a different department.

Discussion

In reviewing Exhibit A and Title 18 of the Agreement, a conflict in language develops which creates the problem and basis for this grievance. Title 18, specifically, Subsection 18.3(a) seemingly provides for temporary upgrades on the same basis as a Section 18.8 permanent award, i.e., the Clerk with the greatest service at the headquarters, in the Line of Progression, irrespective of department. However, Example 2 on Page 78 of Exhibit A provides that the Clerk working in the same department and headquarters, notwithstanding the Lines of Progression, would be entitled to the upgrade.

Decision

The Committee is aware of this problem and agree that the language in dispute can only be changed by the negotiating parties. Therefore, the Review Committee has no alternative but to resolve the grievance in favor of the grievant inasmuch as the language is clear; and until such time that it is changed, temporary assignments of this nature must be in accordance with the Exhibit. Therefore, the grievant is entitled to be paid at the Clerk B wage rate for the five days in question.

FOR UNION:

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

By *L. N. Foss*

Date 10-20-75

FOR COMPANY:

J. A. Fairchild
P. Matthew
L. C. Brown

By *L. C. Brown*

Date 10/20/75