

BEFORE THE ARBITRATOR

In the Matter of the Arbitration	:
of a Dispute Between	:
	: Case 64
LOCAL 565, SHEET METAL WORKERS'	: No. 46429
INTERNATIONAL ASSOCIATION, AFL-CIO	: A-4848
	:
and	:
	:
SUB-ZERO FREEZER COMPANY, INC.	:
	:

Appearances:

Mr. Paul Lund, Business Manager, on behalf of the Union.
Mr. Donald Emerich, Personnel Director, on behalf of the Company.

ARBITRATION AWARD

The above-entitled parties, herein the Union and Company, are privy to a collective bargaining agreement providing for final and binding arbitration before a Wisconsin Employment Relations Commission staff arbitrator. Pursuant thereto, I heard this matter on January 16, 1992, in Madison, Wisconsin. The hearing was not transcribed and both parties have waived filing briefs.

Based upon the entire record, I issue the following Award.

ISSUE

Since the parties were unable to agree upon framing the issue, I have framed it as follows:

Should grievant Donald Trolinger be transferred back to first shift as a painter?

DISCUSSION

On September 18, 1991, second shift employe Rodney Jewell - who was then a Hanger, Tacker and Sander - filed a Transfer Request seeking to transfer to the first shift as a Hanger. Said request was subsequently granted by the Company and Jewell - who is more senior than Trolinger, on or about October 18, 1991, transferred to said position.

That in turn led to Trolinger's involuntary bumping to second shift in mid-November, 1991, a move he opposed by filing the instant grievance.

The record shows that Trolinger - who at the time of his bump was classified as a Hanger, Tacker and Sander - has been employed by the Company since 1978 and that he is a highly-qualified employe who has worked as a painter for about ten years before switching over to do hanging, tacking and sanding work. Indeed, the Company agrees that he is fully qualified to do painting work.

The record also establishes that Trolinger is more senior than Fred Roeben, who has remained on first shift as a painter and who has worked for the Company for about seven years.

Under these unique circumstances showing that Trolinger has far more seniority than Roeben and that he is fully qualified to work as a painter, I find that Trolinger should be transferred back to first shift as a painter and that Roeben should be transferred to second shift. Said transfer is to become effective on the first Monday after 30 days from January 16, 1992.

This decision is on a non-precedent basis and I shall indefinitely retain my jurisdiction in order to resolve any questions arising under application of this Award.

In light of the above, it is my

AWARD

1. That grievant Donald Trolinger should be transferred back to first shift as a painter.

2. That I shall indefinitely retain my jurisdiction.

Dated at Madison, Wisconsin this 21st day of January, 1992.

By Amedeo Greco /s/
Amedeo Greco, Arbitrator