

seniority. This applies to layoffs, the filling of vacancies, or promotions, and stepbacks. The procedures or principles governing promotions and stepbacks set forth in Section 6 of Article VII with reference to jobs in multiple-job sequences are by Section 7 made applicable to single job sequences except that the controlling factor is stipulated to be departmental length of service. The aforementioned awards, therefore, have no meaning when applied to single job promotional sequences.

(2) The awards in question were predicated on so-called "extended operations," which were understood to refer to operations beyond normal and which were filled largely to avoid premium overtime pay. These were held not to constitute turns "other than fill-in turns for other employees," an expression found in Section 4 of Article VII, and consequently did not serve to establish sequential length of service.

The question now presented is how to apply this ruling to operations which fluctuate in regard to the number of weekly turns. This applies largely, as the facts were described, to auxiliary equipment. The mill may be operating steadily at 15 turns or perhaps at 20 or 21 turns, but the nature of the product at any given time will determine how many turns are needed on the various kinds of auxiliary equipment. The Union is of the opinion that "normal operations" are those currently in effect in each sequence, with a maximum of 15 per week. All turns above 15 would be "extended operations." But the Union believes operations below 15 per week could also constitute extended operations, for the purpose of establishing sequential seniority, where "normal operations" may be less than 15 turns.

The Agreement is silent on the subjects of "extended operations" and "normal operations." There are no contract definitions. Yet if orderliness is to be promoted, and if troublesome and repeated arguments are to be avoided, some simple rules or understandings are essential.

The rule which, under all the circumstances, seems grounded in good practical sense is that operations at or below 15 turns per week are not to be treated as "extended operations" within the meaning of the awards in question, -- in other words, that work on such turns (other than literally fill-in turns) shall count toward the establishment of continuous length of service within a sequence.

This will be simple and understandable and it will enable Management to develop in each sequence sufficient employees with sequential standing to man the operations 15 turns per week.

This ruling, it must be conceded, is legislative in nature. It is warranted, however, because the parties have invited the Arbitrator to engage in legislation in this instance, to implement an earlier award with respect to a matter on which the Agreement is silent.

Dated: January 21, 1958

David L. Cole,
Permanent Arbitrator