



REVIEW COMMITTEE

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RECEIVED FEB 13 1997

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CASE CLOSED
FILED & LOGGED

MARGARET A. SHORT, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

North Bay Division Grievance No. SNR-95-19
Fact Finding File No. 6143
Pre-Review Case No. 2031

PAMELA BENITEZ
Company Member
Local Investigating Committee

LARRY PIERCE
Union Member
Local Investigating Committee

Subject of the Grievance:

This case concerns the job award of a Telecommunications Technician position at Rodger's Flat. Company considered bidders in the line of progression who are in the Hydro department system-wide to be "B" bidders, and all others in the LOP to be "C" bidders to the Telecommunications Technician classification. Union alleges that only those bidders in the line of progression in Bidding Unit 6 should be "B" bidders, and that all others in the LOP should be "C" bidders.

Facts of the Case:

A Telecommunications Technician vacancy at Rodger's Flat resulted from an early retirement (VRI). The job offer was first extended to the grievant, who was an Unassigned Telecommunications Technician in San Rafael, Computer Network Operations (CNO), a priority "C" bidder, on March 7, 1995. After a few days, the offer was rescinded.

The bid list was reprioritized to show all bidders from Hydro as "B" bidders. The most senior of these employees, a Telecommunications Technician from Auberry, Southern Area - Hydro Generation, was offered and accepted the vacancy on March 20, 1995. The successful bidder has less seniority than the grievant.

On September 19, 1996, the grievant was awarded a Telecommunications Technician position at Rodger's Flat. This job award, to a subsequent vacancy at Rodger's Flat, was executed as a 205.7(c) award.

Discussion:

Company explained its position. The Job Definitions and Lines of Progression Booklet which includes the Telecommunications Technician is Exhibit VI-L, Section 600.12, Division Electric Maintenance Department, which includes Hydro Maintenance. It was last updated by Letter Agreement 94-25 executed March 23, 1994. The prior Letter Agreement, 88-136, also included Telecom. Techs. and Hydro Maintenance. Based on these documents, Company has the right to establish the Telecom Tech classification in Hydro.

Further, a review of the career histories of the Techs in Hydro indicated a position date of January 1, 1988 for 15 of the 16 incumbents. The sixteenth had a 1989 position date. This is significant because it indicates the establishment of the classification in the Hydro organization. It seems to coincide with item 1 of Letter Agreement 88-136, which states:

"Changes necessitated as a result of agreement in general negotiations relative to Telecommunication classification."

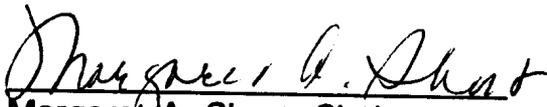
In 1988, Bidding Units were negotiated to be used in the administration of Title 205. At that time Hydro Generation, System-wide, was established as Bidding Unit 15. All of this taken together indicates that the classification of Telecommunications Technician was appropriately established in Hydro Generation and had been for an extended time without protest from the Union.

Union pointed to the cover letter dated October 2, 1987 outlining the settlement during general negotiations, specifically Item #9(b) which provided that then current Substation and Hydro Helpers would be specifically named and would be allowed to bid to either Substation or Hydro Apprentice classifications on a one time basis only and once having been awarded an Apprentice position would have exhausted such right. The Union also cited Letter Agreement 88-82, signed September 13, 1988, to support its position. This agreement rested the one-time opportunity for Substation and Hydro Helpers to bid to either Substation or Hydro Apprentice classifications and added a one time opportunity for Hydro Electricians/Apprentice Electricians to bid to Substation. Union noted that Telecommunications Technicians were not included in either of these agreements.

Further Union stated that the job award at issues in the grievance is related to the first instance know to the Union in which an award of a Telecommunications Technician position under Company's interpretation of "B" and "C" bid status.

DECISION:

The Pre-Review Committee agrees to close out this case without adjustment as the correction asked for has been effected although much time has passed since the initial job award at issue here. Based on the lack of clear understanding of the intent of the parties with respect to the Telecommunications Technician classification within Hydro Generation, the Pre-Review Committee recommends the parties, at the appropriate level, consider the execution of a Letter Agreement including Telecom Techs in Hydro Bidding Unit 15.


Margaret A. Short, Chairman
Review Committee


Roger W. Stalcup, Secretary
Review Committee

2/12/97
Date

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Date