

REVIEW COMMITTEE DECISION

R. C. FILE NO. 89 - North Bay Division Grievance No. 3 - Bidding Rights of Patrolman for Lineman Job Vacancy

R. C. FILE NO. 91 - North Bay Division Grievance No. 9 - Bidding Rights of Groundman for Patrolman Vacancy

These two filed have been jointly considered by the Review Committee since they have an inter-related factual background and there is a common interest in the application of the contract job bidding provisions.

SUBJECT OF GRIEVANCE:

(a) Job Vacancy No. 4:575, Lineman at Point Arena, was posted in the October 1, 1954 Employment Bulletin. Among the bidders in the Division, there was a Patrolman and an Apprentice Lineman, both at the top rate of pay. The Division considered the bid of the Patrolman under Contract Sub-Section 205.7a and awarded him the job. The Union filed a protest claiming that a Patrolman's bid to Lineman could not be recognized under Sub-Section 205.7a; that first consideration should have been given under Sub-Section 205.7b to the bid of the Apprentice Lineman.

(b) In the November 1, 1954 Employment Bulletin the Division posted Patrolman Job Vacancy No. 4:583 (the vacancy created by the award noted in paragraph (a) above). Several Groundmen in the Division bid on the job. Also a Patrolman at the top rate of pay from an outside Division submitted a bid. The job was awarded to a Division Groundman under contract Sub-Section 205.7b. Union contended that the Groundman should have been considered under Sub-Section 205.7d and that the Patrolman from the outside Division should have been awarded the job under Sub-Section 205.7c.

Grievances on the above (a) and (b) were processed in the Division but the parties could not arrive at a settlement.

In Grievance (a) the Division contended that the job duties of the employee in the Patrolman classification included a substantial amount of Lineman's work and Troubleman's work. It reasoned that the employee in the Patrolman classification should be entitled to have his bid considered on the basis of the amount of time he had performed Lineman and Troubleman duties, while employed as a Patrolman. It pointed out that awards had been made without protest on a similar basis in other Divisions.

The Union based its primary argument on the point that there was no negotiated or established line of progression to or from the Patrolman classification. It contended that consideration of bids to a Lineman vacancy from employees in the Patrolman classification cannot be given under

Contract Sub-Section 205.7(a).

In Grievance (b) the Union's argument paralleled its position in Grievance (a) that is, there is no established line of progression into the Patrolman classification. Therefore, there is no next lower classification to Patrolman in the normal line of progression which can be considered in the bidding procedure.

The Division in this case argued that knowledge and experience gained in the Groundman classification qualifies an employee to advance to Patrolman and that the wage spread of the Patrolman classification, starting just above the top Groundman rate, indicates that Groundman is a next lower classification to Patrolman.

STATEMENT AND DECISION:

There are certain classifications within the wage schedule that are not usually considered to fall in a "normal line of progression." The reason for this is that the duties of such classifications may be either diversified or specialized to the extent that the training and experience gained in any one lower classification will not in itself suffice as a satisfactory prerequisite for the filling of a vacancy by advancement through a normal line. Other considerations must also be taken into account. To provide for this, the bidding provisions of the Agreement Sub-Sections 205.7d, 205.7e and 205.7f have been utilized. Under these Sub-Sections both the qualifications and seniority of employees are taken into account in making selections for jobs into which there is no normal line of progression. In other words, these provisions give recognition to an employee's Company seniority and provide for a systematic method of considering his bid, subject to rejection for lack of qualifications as outlined in Section 205.11.

Patrolman is one of the classifications which is not in a negotiated normal line of progression. The content of each Patrolman job must be looked into before it can be determined what qualifications are required of an employee who may be selected to fill the job. Likewise, since all Patrolman jobs are not the same, no set line of advancement has been determined for employees in such jobs.

For example where the Patrolman's duties require higher skills not every Groundman would have the qualifications to fill the Patrolman job. On the other hand, where an employee is working in a Patrolman classification and not performing the higher skills then he would not always be qualified to perform the duties of the Lineman.

Each job involved must be considered along with the qualifications of each individual bidding from one job to another.

We find then that the procedure is that where there are no lines of progression which have been negotiated and agreed to by Company and Union,

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or where there is no locally accepted understanding pending the outcome of negotiations, the sequence provisions of the Contract Sub-Sections 205.7d, 205.7e and 205.7f should be applied if the employee is bidding for promotion, and Contract Sub-Sections 205.7a and 205.7c applied if the employee is bidding laterally in the same classification. The latter Sub-Sections are used for lateral bids in the same classification only if the job content is comparable or the bidder has the qualifications to perform the duties of the job in which the vacancy exists.

Examining the Grievances (a) and (b) in light of the foregoing, this Committee is of the opinion that the Division was incorrect in making the job award in Grievance (a) (Patrolman to Lineman) under Sub-Section 205.7a. Consideration should first have been given to the bid of the Apprentice Lineman under Sub-Section 205.7b. If for any reason there were grounds to reject his bid under Section 205.11, then consideration to the Patrolman's bid would begin under 205.7d.

In Grievance (b) the Groundman classification cannot be considered as next lower in the normal line of progression to the Patrolman classification. If the employee in the Patrolman job who bid from an outside Division was not in a job in which the duties were comparable to the Patrolman vacancy in the Division, or if such employee was not qualified to perform the duties of the vacant job, consideration should have been given to the bids of employees under Sub-Sections 205.7d, 205.7e and 205.7f in such sequence for the purpose of making the job award.

It is the decision of this Committee that the Division review the two grievances which are under discussion in order to determine the results of the job awards, should the applicable principles as outlined herein have been followed. Job vacancies should then be filled accordingly. Because of the circumstances of these cases, no retroactive adjustment need be made in wages of the employees involved. In a revision of job awards, seniority for time worked in the various classifications which they filled as a result of their bids should be credited on the same basis as in a temporary upgrade.

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