

REVIEW COMMITTEE DECISION

Review Committee Files Nos. 811, 887, 888 and 926
North Bay Division Grievance No. D.Gr/C 4-68-5
San Joaquin Division Grievances Nos. D.Gr/C 25-69-3 and D.Gr/C 25-69-4
Sacramento Division Grievance No. 6-69-7

Subject of the grievances

The above-subject grievances relate to the provisions of Subsections 205.5(a) and (b) of the Agreement pertaining to physical employees, as last amended, and Subsections 18.5(a) and (b) of the Clerical Agreement, as last amended. The question presented by these grievances concerns the use of tests negotiated between the Company and Union, for other purposes, prior to making an appointment to a vacancy in a beginner's classification. In short, an employee desiring to be appointed to a beginning clerical classification is required to pass the Clerical Test Battery used by the Company as a pre-employment test and negotiated as an entrance requirement to the Customer Service Clerk classification; while, on the other hand, an employee desiring to be appointed to a physical beginning classification is required to pass the Arithmetic Computation Test if such test is a prerequisite to appointment to a higher classification in such line of progression.

Discussion

The general contention of the grievants in these cases is that there are other jobs higher in the line of progression to the one to which they seek appointment to which they may progress without being required to pass the applicable negotiated test. While this is true in certain of the cases presented, it is also true that such employees have a contractual right to have their bids considered for appointment to classifications for which these tests have been negotiated. Failure to pass the test then would have the effect of limiting their promotional opportunities and, at the same time, restrict Company's ability to obtain persons qualified to progress to these higher classifications. In other instances, such as the clerical classifications, failure to pass the test has a likely bearing on the employee's ability to do the work in the beginner's classification to which he seeks appointment as well as higher jobs in the clerical lines of progression.

Decision

For these reasons, it is the decision of the Review Committee that employees seeking a transfer to a beginning classification in a line of progression in which the Arithmetic Computation Test has been negotiated as an entry requirement to a job higher in that line of progression will, among other considerations provided in Section 205.5, be required to pass such test before their requests for transfer will be eligible for consideration. Similarly, employees seeking a transfer to a beginning clerical classification will be required, among the other reasons provided in Subsection 18.5(a), to pass the negotiated Clerical Test Battery before their requests for transfer will be entitled to consideration.

FOR UNION:

W. H. Burr
W. M. Fleming
J. J. Wilder

By

J. J. Wilder

Date

June 25, 1970

FOR COMPANY:

R. C. Dodge
H. J. Stefanczyk
L. V. Brown

By

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Date
