

REVIEW COMMITTEE

PG and E

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D.J. BERGMAN, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

General Construction Grievance No. 3-530-79-19
P-RC 478
Alleged Bypass

September 21, 1979

MR. W. FUNABIKI, Chairman
General Construction
Joint Grievance Committee

Statement of the Case

This grievance examines the propriety of a January 23 upgrade of a junior employee to Working Foreman B "to oversee the Switchboard and Effluent Control work" at the Moss Landing Power Plant. The upgrade lasted until February 2, 1979.

The complainant in this case is an Electrician who was transferred to the Moss Landing Power Plant on January 9, 1979. However, rather than reporting to the Plant, he was loaned to the Division to assist in the emergency repairs to an auxiliary transformer bank. On January 15, he was released to the Station Construction Department at the Moss Landing Power Plant and placed on the crew making the emergency repairs to an auxiliary transformer bank.

Discussion

Sections 305.4 and 305.5(b) deal with upgrades to jobs involving supervisory duties. Both reach the same point as it is applied to the employees involved in this grievance; that is, the Department has the right to select an employee even though he has lesser service to the complaining employee provided the junior employee has demonstrated greater personal qualifications for the job at hand. The record submitted to the Review Committee in the particular case at hand does not demonstrate superior qualifications for the work in progress other than the fact that the appointee had been working on the job and, thus, was familiar with the work and complexities involved. The Review Committee is cognizant of the fact that continuity of work is an important additional qualification in making a selection to a temporary position under the provisions of Title 305. However, it is not always a pre-emptive factor unless the record before the Committee denotes otherwise.

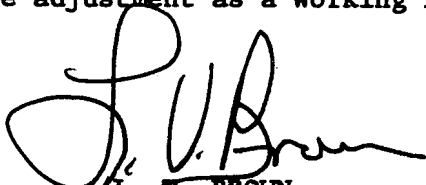
Thus, aside from the continuity factor, the record submitted to the Review Committee does not adequately demonstrate that the grievant could not have performed the work adequately, as compared to the appointee, notwithstanding


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the conclusions by the Department that the work being accomplished was under controlled conditions and involved critical time schedules. In short, the Department has set forth only conclusions of fact; whereas in rebuttal, the record shows that the grievant had been working on the job for some eight days prior to the appointment. Standing alone, this is inadequate to demonstrate that he could not have performed the work in the same efficient manner accomplished by the appointee.

Decision

The Committee, therefore, decides that the Department's selection of Mr. Swenson was based on demonstrable grounds but that the Department has failed to carry its burden of proof that the grievant could not have been similarly just as effective. For the reasons stated, the grievant is entitled to a retroactive wage adjustment as a Working Foreman B from January 23, 1979, to February 2, 1979.


L. V. BROWN
For the Company


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For the Union

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cc: DABrand
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