



REVIEW COMMITTEE



IBEW

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**CASE CLOSED
FILED & LOGGED**

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W
P.O. BOX 4790
WALNUT CREEK, CALIFORNIA 94596
(510) 933-6060
R.W. STALCUP, SECRETARY

MARGARET A. SHORT, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

**Fresno Division Grievance No. FRO-96-14
Fact Finding No. 6354-96-65
Pre-Review Committee No. 2083**

MONICA OAKES
Company Member
Local Investigating Committee

RON VAN DYKE
Union Member
Local Investigating Committee

Grievance Issue

This grievance concerns a bypass to a Troubleman position on the basis that the grievant did not meet the residency requirement of Section 3.5 of the Physical Agreement.

Facts of the Case

On January 9, 1996, the grievant, a Troubleman headquartered in Fresno, was bypassed for a Troubleman vacancy in the Dinuba headquarters. Prior to the bypass, the supervisor of the vacancy and another management employee drove the route from the service center to the grievant's home and back. The time on the drive out was between 32.5 and 33 minutes. The drive in took 31 minutes and 45 seconds. The supervisor offered to drive the route with the grievant, but this offer was declined. Subsequently, the supervisor again drove the route with a time of over 30 minutes.

Following the filing of the grievance, the route was timed on two occasions. The first was conducted by the supervisor and a shop steward and was completed in 32 minutes. The second was conducted by the local manager and the Business Representative and was completed in 30 minutes and 20 seconds. The Union representatives agreed with the times, however, believed that the commutes could have been completed in 30 minutes if a couple of slow trucks hadn't been on the road.

Discussion

In accordance with Section 3.5, the Company may bypass an individual who does not meet the residency requirements. In order to meet this requirement, the employee's residence must be located "...no more than 30 minutes automotive travel time under ordinary conditions, from the employee's headquarters".

In the case at hand, the commute was driven five times. None of these commutes were completed in 30 minutes or less. Perhaps under ideal traffic conditions, the commute could have been made in 30 minutes. Section 3.5, however, refers to "ordinary conditions", not ideal conditions. Based on the facts of this case, the grievant's residence does not meet the residency requirement for the Dinuba headquarters.

DECISION

The bypass of the grievant did not violate the Agreement. This case is closed on that basis, without adjustment.

Margaret A. Short
Margaret A. Short, Chairman
Review Committee

5/15/97
Date

Roger W. Stalcup
Roger W. Stalcup, Secretary
Review Committee

5/15/97
Date