



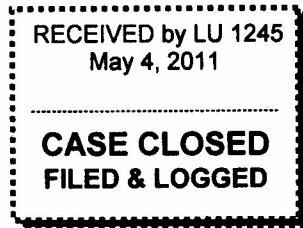
REVIEW COMMITTEE



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JOHN A. MOFFAT, CHAIRMAN
DECISION
LETTER DECISION
PRE-REVIEW REFERRAL



BOB CHOATE, SECRETARY

Pre-Review Committee No. 19063 Energy Delivery – ECCO - Yosemite

Margaret Franklin
Company Member
Local Investigating Committee

Mike Grill
Union Member
Local Investigating Committee

Subject of the Grievance

The Company's filling a temporary System Operator's position in Merced.

Facts of the Case

The Company moved a System Operator from Merced who was award a System Operator position in Fresno to Fresno for one day and then temporarily assigned him back to Merced. Another System Operator more senior than the temporarily assigned System Operator who had a bid on file wanted the assignment. Both employees have been temporarily assigned to Merced at one time.

The position vacated by the Merced Operator had been filled but the employee had yet to report.

The grievant in this case had been offered a regular position in Merced and turned it down on February 4, 2009. The temporary assignment began on May 8, 2009.

P-RC 1590 states that the Company is not required considering employees in the same or higher classifications from another headquarters when filling temporary assignments. P-RC 1646 states that jobs should be filled in accordance with the provisions of Section 205.3.

In Section 205.3, (a) is for employees at the headquarters in order of their consideration under Section 205.7, (b) allows for employee within a commutable distance and (c) the position will be filled by qualified employees.

The employee who filled the temporary position in this case was not within a commutable distance as defined by section 205.3. The grievant was 43 minutes away and 45 miles. There is a claim in the LIC report that the grievant lived 45 minutes from the temporary headquarters but in the past received one pay each way because that was what was agreed to by someone. The Pre Review Committee has the asked the LIC for confirmation of that agreement.

Discussion

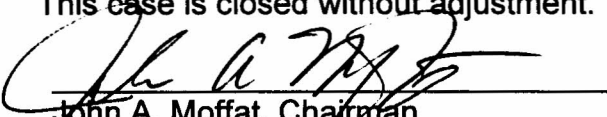
Union argued that the temporary position should have been filled in accordance with the provision of Section 205.3 of the Agreement and consistent with the provisions of PRC 1646. The Union opined that the position should be filled in order of pre-bids on file.

The Company maintained that there is no violation of the Agreement. In accordance with the language in the PRC 1590 the Company can fill the position at its discretion. There is no violation of 205.3(a) because there is no lower paid classification in the headquarters, no violation of 205.3 (b) because under the language in PRC 1590 employee in the same classification or higher to the temporary position do not have to be considered (c) both are qualified. The grievant also turn the position down when offered it on a regular basis in February of 2009. The language in 205.3 is designed to give employees experience to job they intend on filling on a regular basis. It this case the grievant had a chance to fill the job on a regular basis and declined the position.

Decision


There is no upgrade involved in this case and the language is clear in P-RC 1590 that the Company is not required to consider employees in the same or higher classifications when filling temporary assignments. Also, there was no financial harm since the employee was in the same classification and in the computation of a remedy in these types of cases travel time and overtime is not a consideration. PRC 1646 dealt with a temporary assignment to a higher classification, which was not the case in this grievance. The grievant also had the chance to fill the position on a regular and decline the position.

This case is closed without adjustment.



John A. Moffat, Chairman
Review Committee
4/22/11

Date



Bob Choate, Secretary
Review Committee
4/22/11

Date