

REVIEW COMMITTEE DECISION

R. C. File No. 40 - San Jose Division - Grievance No. 4 -

By-pass of Employee on Job Award

Subject of Grievance

The aggrieved employee when classified as a Groundman bid on an Apprentice Lineman job posted as vacant in the monthly Employee Bulletin. His bid was rejected on the basis that he was not qualified for advancement. About two months later, the employee bid on another Apprentice Lineman job posted as vacant and he was awarded such job. In the interim, however, other Groundmen in the Division, with less seniority than the aggrieved employee, were promoted to the Apprentice Lineman classification. Union contends the aggrieved employee was qualified to advance when he first bid and was by-passed and for such reason his seniority in the Apprentice Lineman classification should be made retroactive to a date which would give him status over the employees junior in seniority to him who were selected for advancement prior to the date he was promoted.

Statement and Decision

Both Union and Company members of the Review Committee have done considerable investigating in this case to determine whether the employee was arbitrarily disqualified when he first bid for the Apprentice Lineman job or whether there was justification for his disqualification. The record is not clear and opinions differ. However, inasmuch as it has been determined that the employee's progress in the Apprentice Lineman classification has been satisfactory over a period of several months, it is believed this dispute may best be settled by correcting the employee's seniority status in a manner as requested by Union. Such a settlement is not to establish a precedent, inasmuch as both Union and Company recognize that employees may lack the necessary qualifications when first considered for advancement, but may qualify for advancement at a later date.

For Union:

Ray Michaels
Leonard Gehringer
L. L. Mitchell

By L. L. Mitchell

Date 2/10/54

For Company:

H. F. Carr
R. J. Tilson
V. J. Thompson

By V. J. Thompson

Date 2/10-54

VJT:djm