

REVIEW COMMITTEE DECISION

Review Committee File Number 181
San Joaquin Division Grievance Number 139

Subject of Grievance

The Division selected Herman Horn, Clerk B in the Customers Records Department, Fresno, to fill a vacant Clerk A Classification in the Service Bureau in the Bakersfield office. This selection was protested by Ruth Freeman, a Clerk B in Bakersfield, who was entitled under the provisions of the clerical Agreement to preferential consideration for the job. Since the qualifications of the respective candidates were disputed, the grievance was referred to the Local Investigating Committee. However, it was not settled at the Local Investigating Committee level, or thereafter by the Division Joint Grievance Committee. The Union then referred the grievance to the Review Committee.

Discussions in the Review Committee led to the conclusion that the Clerk A job in which Herman Horn was placed was not comprised of the same duties as the Clerk A job which was vacated. Several duties of supervisory responsibility had been added to the content of the job for the purpose of improving customer relations in the area. As a result of this the Company members of the Review Committee orally requested that the Division re-evaluate the proposed job for the purpose of establishing a proper classification for the anticipated duties. The Division then approached the matter on a basis of reorganization, and ultimately created a supervisor's job for the more responsible duties and a Clerk C job for the routine public office work. Herman Horn was transferred from the Service Bureau to another Clerk A position and the new Clerk C classification in the Service Bureau was filled, both as provided for by the clerical Agreement and without protest. In the meantime, the Review Committee was unable to agree on a final disposition of this case. It was then decided that it might be beneficial to hold a Review Committee hearing at Bakersfield. Accordingly, on November 4, 1960, such a hearing was held. Attending the hearing, among others, included the Company and Union members of the Review Committee, the Bakersfield District Manager, the Division Personnel Manager and the grievant.

Statement and Decision

At the Bakersfield hearing several points were clarified, thus enabling this Committee to arrive at a decision. First, it was brought out that although the Division had justifiable reasons to improve its Service Bureau operations it erred when it attempted to do this by utilizing a Clerk A vacancy to create a new type of job involving supervisory responsibilities. This led to misunderstanding on the part of the employees concerning the qualifications required for the new job, since it appeared that the Division was merely filling the Clerk A job as it formerly existed. Statements from Company supervisors at the hearing fully explained the reasons for changing the duties of the Clerk A job and the ultimate corrections which were made to accomplish the improvements desired.

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Second, it developed that resentment was created when, during the course of the local investigation a statement was made that, "an irate or troubled customer demands to talk to a man, and that one of the chief duties of (the vacated) position was to handle such contacts". Mrs. Freeman, the grievant and Clerk B, believed that she was competent in this regard. Discussions at the hearing upheld her ability and expressions by the District Manager clearly indicated that she was fully qualified and capable of handling her job, the duties of which included contacts with both men and women customers. This eliminated a question of sex discrimination which the Company maintained it did not condone.

Third, a full understanding was reached as to why Herman Horn was transferred to another Clerk A job and as to why the Clerk A job in the Service Bureau was discontinued. No evidence was developed indicating that the Clerk A job in the Service Bureau was eliminated because of the factor of reprimand and on the other hand ample evidence was produced to the effect that the Division, in good faith, properly made an effort to correct its mistake of utilizing the original Clerk A vacancy as a means to reorganize job duties and improve customer service.

In view of the foregoing, this Committee considers the case as closed. It urges, however, that in situations such as this involving reorganization of job duties, employees should not be promoted or transferred until a full understanding has been had with respect to the duties of both new and old jobs affected by the reorganization process.

FOR UNION:

Kenneth Stevenson
W. M. Fleming
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By L. L. Mitchell

Date 12-15-60

FOR COMPANY:

E. F. Sibley
C. L. Yager
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By V. J. Thompson

Date December 9, 1960