

205.7
205.14

REVIEW COMMITTEE DECISION

Review Committee File No. 432
Sacramento Division Grievance No. 6-6

Subject of the Grievance

On May 1, 1962, the Sacramento Division posted a Line Subforeman vacancy at Sacramento. Following the receipt of bids, and consideration of the bidders' qualifications in the order of their classification seniority, the Division appointed a bidder under the provisions of Section 205.14 of the Agreement. The bidder selected to fill the vacancy ranked sixth in Lineman classification seniority standing. A grievance followed the selection which was processed by the Local Investigating Committee. This Committee failed to reach agreement as to the disposition of the grievance and referred it to the Division Joint Grievance Committee. The grievance was forwarded to the Review Committee after it could not be settled locally.

The record submitted to the Review Committee consisted primarily of a rating sheet listing the bidders considered for the vacancy and the raters' evaluation of their individual capabilities in regard to some 24 items which the Division considered related to the qualification requirements of a subforeman, and the comparative standing of the bidders. After reviewing the record received from the Division, the Review Committee decided that the information contained in the rating was basically the unsubstantiated opinions of the various raters. This lack of substantiation of the raters' opinions made it difficult for the Review Committee to ascertain the validity or weight to be given such opinions, notwithstanding that the raters may have founded their opinions on undisclosed incidents and observations. The Review Committee, therefore, returned the grievance to the Division Joint Grievance Committee so that it might detail this information and thereby possibly reach an agreement on the disposition of the grievance.

In the interim, two additional subforeman vacancies occurred in Sacramento which were ultimately awarded under the provisions of Section 205.14 to the fourth and sixth ranked bidders. Grievances protesting these awards were filed. To expedite processing, the Division combined the three grievances and revised the initial rating chart to include the ratings of the additional bidders. Additionally, the Division recorded the comments of each of the raters' explanation and justification of the ratings assigned the bidders. These comments included general statements, work examples, comparisons, and other matters, in the rater's opinion, bearing on the final ratings. From this information the Division prepared two additional rating sheets, one weighting the 24 listed categories in relation to their importance to the work and supervisory qualifications required of a person holding a subforeman position; and the other, a "confidence" level assigned to the individual ratings. A final document was prepared and submitted to allow for a factor comparison of the bidders.

The record, as set forth above, was again referred to the Review Committee. Following this receipt of the grievances by the Review Committee, two more subforeman vacancies were posted in the Sacramento Division.

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Discussion

The facts set forth above were purposely set out in detail and at some length to emphasize the complexity of the case before the Review Committee.

Although this discussion will not dwell at length on the positions of either Company or Union in regard to promotions which are not made on a seniority basis, at least two important aspects of the problem should be understood. First, under the provisions of Section 205.14 bidders may be selected for appointment to certain jobs on the basis of ability and personal qualifications out of classification seniority order. Secondly, the person so selected in fact must possess these qualifications and be superiorly qualified to the bidders senior to him. It is the latter which causes the greatest area of dispute between the Company and Union, i.e., are the differences in qualifications observable and is the degree of difference sufficient to support and award to the junior bidder.

These grievances will not be settled on the principles set forth by the Division. It is understood, however, that from the experience gained by the Company and Union, in this regard, there will be developed an agreeable framework, and guides, within which the provisions of Section 205.14 may be given practical effect.

Decision

The vacancies concerned in this grievance, and others which were subsequently included, shall be filled in accordance with Section 205.7, and seniority dates adjusted accordingly.

FOR UNION:

R. W. Fields
W. M. Fleming
L. L. Mitchell

By

L. L. Mitchell

Date

Feb 17, 1964

FOR COMPANY:

E. F. Sibley
C. L. Yager
L. V. Brown

By

L. V. Brown

Date

February 13, 1964