

REVIEW COMMITTEE DECISION

Review Committee File No. 596
North Bay Division Grievance No. 4-64-18

Statement of Fact

The grievant, an Apprentice Lineman headquartered at San Rafael, bid on an Apprentice Lineman vacancy at Santa Rosa posted in the August 1964 Employment Bulletin. Prior to this, on October 7, 1963, the employee had transferred to San Rafael under the provisions of the Demotion and Lay Off Procedure, Title 206, from the Santa Rosa headquarters. The employee's bid was not given consideration under Subdivision (a) of Section 205.7 as the circumstances provided in Section 205.8 were present.

It is the contention of the grievant that the provisions of Section 205.8 are not applicable, in this case, inasmuch as his transfer from the Santa Rosa headquarters resulted from the application of Title 206.

Discussion

There is no question here, but for the grievant's contention, that the provisions of Section 205.8 would exclude the grievant's bid from receiving preferential consideration over that of the appointed employee whose bid was considered under the provision of Subsection (b) of Section 205.7. The Review Committee's decision in this case will follow those previously decided in disposing of other grievances relating to Section 205.8. In those Decisions the Review Committee has strictly interpreted the provisions of that section. Thus, since the provisions of Section 205.8 do not expressly supply the relief sought, the grievance cannot be supported.

Decision

Inasmuch as the Agreement does not except transfers resulting from the application of Title 206 from the provisions of Section 205.8, the grievance must be denied.

FOR UNION:

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

By L. L. Mitchell

Date _____

FOR COMPANY:

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

By L. V. Brown

Date December 18, 1964

12/28/64

December 28, 1964

Mr. L. V. Brown, Chairman
Review Committee
Pacific Gas & Electric Company
245 Market Street
San Francisco, California

Dear Mr. Brown:

We have signed the enclosed decision and will consider Review Case #596 (North Bay Division Grievance #4-64-18) closed.

We would like to comment, however, on the fact that this case most aptly illustrates the unjustness of Section 205.8. While the language of the Contract precludes the return of the individual in this case to his former headquarters, it was never the intent of the parties to freeze people out of a former headquarters when they had been transferred under the demotion procedures of Title 206.

This case, along with others which we have had referred to us, should make it evident that Section 205.8 should be modified or preferably deleted from the Contract if we are to eliminate such obvious inequities. The section as written exceeds the purpose for which it was intended and in fact is proving a barrier to normal advancement in many cases.

We recognize that while Section 205.8 exists, we must apply it without favor, but we do feel cases of this kind should be considered when we next have the opportunity to modify it.

Very truly yours,

L. L. Mitchell, Secretary
Review Committee

LLM:do
Encl.
cc: WAP:lewing
RWF:leids