

REVIEW COMMITTEE DECISION

Review Committee File No. 1063  
San Francisco Division Grievance No. D.Gr/C 2-71-5

Statement of Facts

The grievance concerns the termination of an Auxiliary Operator, James W. Wyrsh, on December 18, 1970. The employee's termination followed his failure to pass an Auxiliary Operator's examination required for progression to the 12-month wage step.

Discussion

The examination involved in this grievance is one required as a result of a letter agreement dated June 30, 1967, between Company and Union. It is provided there, in Section B, that written examinations will be used to assist in determining the progress of any employee in the Auxiliary Operator classification. This section also involves tests for Assistant Power Plant Operator. The agreement further provides that an employee who fails to meet the established requirements for wage progression to the 12 months' step shall be removed from the classification. The agreement then goes on to provide that an Assistant Power Plant Operator who fails to meet the test will be demoted under certain conditions. There is no similar provision for the Auxiliary Operator who fails the examination.

Decision

The agreement referred to above is explicit in providing that employees, such as the grievant, who fail to meet the requirements must be removed from the classification. There are no provided rights of transfer or demotion. The effect of this, then, is that the grievant's termination was not a violation of the Labor Agreement or of the letter agreement dated June 30, 1967.

On the other hand, it is possible that an employee may have accumulated 15 months' service with the Company at the time he is removed from the classification. In view of this, some effort should be made to retain the employee, if possible, in a beginner's classification in the District if a vacancy is available; the employee meets the general criteria for a new hire in that job; and, finally, provided the employee's work performance and attitude are considered satisfactory in his present job.

This case is closed.

FOR UNION:

W. H. Burr  
E. R. Sheldon  
L. N. Foss

By



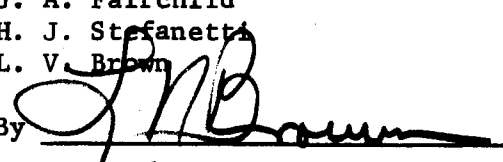
Date

8-20-71

FOR COMPANY:

J. A. Fairchild  
H. J. Stefanetti  
L. V. Brown

By



Date

8-20-71