

REVIEW COMMITTEE DECISION

Review Committee File No. 1367-74-36
East Bay Division Grievance No. LIC 1-74-14

Subject of the Grievance

This case concerns the bypass of a Lineman to both Line Subforeman and Troubleman vacancies.

Discussion

This grievance follows several others of a substantially similar nature that concern the grievant over the last ten years. The grievant was employed shortly before this as a journeyman Lineman having come to the Company from the Alameda Bureau of Electricity. The Local Investigating Committee's report contains an excellent summary of the grievant's work history in the classification of Line Subforeman and Troubleman and is repeated here in part:

1. 10/26/64 - Bid to Line Subforeman, Hayward, from Lineman, Hayward. Time in job was less than 1 month when grievant bid and received Troubleman job in Fremont on 11/23/64.
2. 12/28/66 - Grievant demoted to Lineman, Fremont, from Troubleman position. The grievance he filed (LIC No. 1/67/1) was subsequently referred to the Review Committee (Case No. 743), which upheld Company's action.
3. 3/27/67 - Mr. Seavers filed a grievance (LIC No. 1/67/9) on Company's bypass of his bid on a Troubleman vacancy. The Company's action was sustained on the basis of the settlement of Review Committee Case No. 743.
4. 7/31/67 - Grievant was bypassed on his bid to a Line Subforeman vacancy in Fremont. Company's action was subsequently sustained on the basis of grievant's previous demotion from Troubleman to Lineman.
5. 7/16/68 - Grievant was bypassed on his bid to Line Subforeman, Fremont. The issue eventually became Arbitration Case No. 31. On 2/26/70, the arbitrator upheld the Company's position on the bypass and further provided that grievant be awarded a Conditional Line Subforeman position for 1 year, an alternative solution suggested by Company and Union, for training and to allow grievant to demonstrate his eventual acceptability in the position. Grievant was placed in the Conditional Line Subforeman position on 3/27/70.
6. 8/10/70 - Grievant was demoted from Conditional Line Subforeman to Lineman for conduct which was inappropriate to the Subforeman position. Mr. Seavers filed a grievance which was settled in Review Committee Case No. 1037, in which Company's action was upheld. The settlement provided that grievant's bid to Line Subforeman need not be considered until at least 9/1/71.

7. 6/5/72 - Grievant was promoted to Line Subforeman, Fremont. He remained in this classification until awarded job of Troubleman, Fremont, on 11/6/72.
8. 2/21/74 - Grievant was demoted to Lineman, Fremont, from his Troubleman position. Mr. Seavers grieved the demotion on 2/28/74 (LIC No. 1/74/8). The subsequent investigation proved the merit of Company's action and the demotion was sustained.

The grievances following Arbitration Case No. 31 (Item 5), as well as those preceding it, all seem to be based on the same complaints of Mr. Seavers' supervisor; that is, his inability to follow orders or rules and practices of the Company when he is placed in a position such as Troubleman and Line Subforeman where he must exercise independent judgment and the direction, in some cases, of others who work for him. Arbitrator Kagel summed it up this way:

"The record shows that (the grievant) possesses qualities that could allow him to properly take the promotion (Line Subforeman) provided that he learn to follow orders and Company procedures to a greater degree."

In that arbitration, the Company and Union agreed before hand that the arbitrator would have a choice of decisions. He could either sustain the demotion or not, or he could find that the bypass was proper but require that he complete the stipulated retraining program before his conditional award to Subforeman would be placed in the training program but subsequently demoted from that status for cause; an action which was later sustained in the grievance procedure.

Decision

In the face of this record and the lack of mitigating factors, this Committee is in no position to disagree with the bypasses. As to the issue of precluding the grievant from receiving consideration for promotion to Line Subforeman or Troubleman in the future, the Review Committee agrees that until such time as the grievant demonstrates to the Company that he has overcome his deficiencies that resulted in his latest demotion, his bids to Line Subforeman and Troubleman will continue to be rejected.

The bypasses of the grievant were for just and proper cause. This case is considered closed.

FOR UNION:

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

By



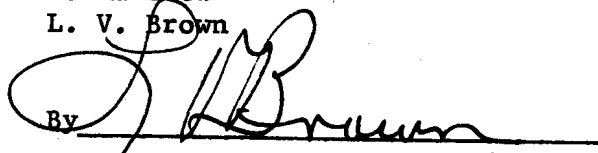
Date

12-23-74

FOR COMPANY:

J. A. Fairchild
P. Matthew
L. V. Brown

By



Date

12-23-74