

REVIEW COMMITTEE**PG and E****IBEW** 

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INTERNATIONAL BROTHERHOOD OF
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 R.W. STALCUP, SECRETARY

RECEIVED SEP 19 1980

D.J. BERGMAN, CHAIRMAN

REVIEW COMMITTEE DECISION

- DECISION
 LETTER DECISION
 PRE-REVIEW REFERRAL

Review Committee File No. 1509-80-35
 San Jose Division Grievance No. 8-390-79-88

Statement of the Case

This case involves the bypass of a Clerk B on a Clerk A vacancy in the San Jose Customer Services office due to the grievant's alleged lack of qualifications and his refusal to participate in an "application review" administered by the Division as an opportunity for potentially successful bidders to indicate their qualifications for a job vacancy. The Union claimed that the "application review" was a violation of Arbitration Case No. 49.

Discussion

This case bears a similarity to those cases which precipitated Arbitration Case No. 49 in 1974, and in fact the Union claims that this case violates the compromise worked out for the settlement of that Arbitration case. The Review Committee is cognizant that Arbitration Case No. 49 prohibits San Jose Division from using their former testing program as a sole basis for determining promotability in their Customer Services Department. The Arbitration Decision further provides the proper procedures to be followed by San Jose Division which, in part, reads: "An employee will first submit prebids to an appropriate Customer Services clerical level. The Company will then review the employee's experience and training and will notify the employee in accordance with Section 18.4 of the Agreement of any particular job functions for the job bid in which he or she is not presently qualified. The employee may then request training in those areas, and his or her prebids with respect to job openings in those areas will be held in abeyance until training is completed. This system stresses a positive approach to promotion as opposed to the negative aspects of testing when a position becomes vacant."

The Company's members of the Committee opined that the "application review" concept allows employees outside of the headquarters in which the job vacancy exists to have an opportunity to demonstrate proficiency for the vacant job which may have been gained working in other areas but which are not specifically noted in the Employment Record. The Committee agrees that this concept falls within the Company's rights under Section 18.11 of the Clerical Agreement as long as such "application review" assists in determining an employee's qualifications and is not used as a sole determinate for promotability. The Committee further agrees that an employee could not be bypassed because of a refusal to take or failure to pass such application review as established in San Jose Division.

The Committee is aware of the 1980 negotiated intent of both the Company and Union to establish agreed-to testing to be used in determining future promotability to the Senior Clerk jobs, or their equivalents. Until those tests are in existence, the Committee agrees that such "application reviews" will not be used as the only determinant of an employee's qualifications or lack thereof, and that such reviews must be made and applied consistently so that each employee participating in such a review for a particular job will be given the same testing.

Decision

In discussing whether or not the grievant, in this case, had possessed the qualifications for the Clerk A vacancy for which he was bypassed, the Committee agreed that he did not. On the basis of the discussion noted above, the Review Committee further agrees that the "application review", when administered in accordance with the above understanding, does not violate the Agreement nor the provisions of Arbitration Case No. 49. On this basis, this case is considered closed.

FOR COMPANY:

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FOR UNION:

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By 

Date 9-4-80

By 

Date 09/4/80