

206.1: Co. suspended 2nd wave of 206 displacements, resulting in more senior emps. being demoted while junior emp. was not displaced - Agreement does not mandate 2nd wave.



REVIEW COMMITTEE

IBEW



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MARGARET A. SHORT, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

Morro Bay Power Plant Grievance No. SLO-95-39
San Francisco Division Grievance No. SF0-95-14
Pre-Review Committee File No. 2028
Review Committee File No. 1789

Patty Rupprecht
Bill Meyer
Company Member
Local Investigating Committee

Mike Haentjens
Hunter Stern
Union Member
Local Investigating Committee

Subject of the Grievances

These cases involve the administration of Title 206, the Demotion and Layoff procedure. The grievants were demoted and displaced, however, the less senior employees they were matched to displace were not subjected to Title 206. The Union alleges this to be a violation of the Agreement.

Facts of the Cases

SLO-95-39

The grievant was an Appr. Mechanic-Rigger at Morro Bay Power Plant. On May 1, 1995 he was given a list of Title 206 options to prioritize. On June 15, 1995 he was given a letter indicating he had been assigned his seventh choice, Routine Plant Clerk at Diablo Canyon Power Plant. He reported to his new position on July 25, 1995. His service date is May 16, 1980.

SFO-95-14

The grievant was a Traveling Machinist at Hunter's Point Power Plant. On May 17, 1995 he was given a list of Title 206 options to prioritize. He was assigned to his 37th choice, Shift Firewatch-DCPP. He reported to his new position on August 22, 1995. He was subsequently upgraded from time to time to Machinist and to Tool Clerk. He was awarded a Tool Clerk position pursuant to Title 205 effective November 14, 1995. His service date is August 21, 1984.

Discussion

The parties are in agreement that the grievants were given appropriate options and assignment to the Shift Firewatch-DCPP and Routine Plant Clerk classifications at DCPP. The issue arises because the other employees (a Machinist and three Appr. Mechanic-Riggers) with more seniority than the grievants displaced laterally into DCPP. The DCPP incumbent Machinist and three Appr. Mech.-Riggers who were to be displaced were not subjected to the provisions of Title 206, i.e. they were not given notice of their displacements. The incumbents, who are junior to the grievants, were retained in their positions. The Union argued that it violates Title 206 for the incumbents to be retained in their base classifications while the grievants, who are senior to them, are in demoted positions. The Union's position would require the Company to effect another round of Title 206 activity. Further, the Union argued that the Company had in effect created vacancies and filled them with the incumbents without going through Title 205. Had the company utilized Title 205, the grievants may have been the successful bidders as they had priority "A" (Section 205.7a) rights.

The Company reviewed the Title 206 process. With each wave of displacements an A List and a B List is prepared. The A List are those employees whose positions are being eliminated. The B List are the employees who may be impacted by the option selection of those employees on the A List. Once the job assignments have been made for the A List, Company must decide whether to initiate another wave of displacements. If another wave is initiated, those B List employees who were bumped become A List employees and are given a list of options to prioritize. In the instant cases, Company decided not to initiate another round of displacements. Rather Company decided to absorb the employees that displaced into DCPP and not continue the Title 206 activity. Company opined that any vacancies created were done to accommodate those coming into DCPP, not those already there.

In addition, the Nuclear Power Generation Title 8 (Labor-Management) Committee met to on July 25, 1995 to establish a subcommittee to explore alternatives to invoking Title 206 to maintain its authorized manpower level. The recommendations of this subcommittee resulted in Letter Agreement 95-139. The L/A starts off:

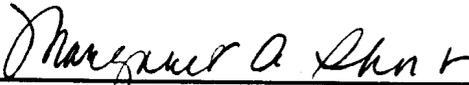
"This proposal was developed by the NPG Title 8 Committee as a means of avoiding an additional round of Title 206, Demotion and Layoff."

DECISION

The Pre-Review Committee is in agreement that there is nothing in the Labor Agreement that compels the Company to initiate ongoing waves of the Demotion and Layoff procedure, and therefore no violation of the Agreement occurred.

However, upon further research into the facts of this situation, it was determined that all of the employees that were to displace into DCPD in the Machinist and Appr. Mechanic-Rigger classifications did not report. Inasmuch as the Plant was willing to absorb them and in the spirit of Section 3.4, the Company agrees to reclassify the grievants to their former classifications. They will retain Section 206.9(a) rights to return to their former headquarters. This grievance adjustment is voluntary on the part of the Company and not a contractual obligation.

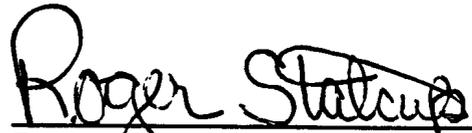
On the basis of the foregoing, this case is considered closed.



Margaret A. Short, Chairman
Review Committee

8/7/96

Date



Roger W. Stalcup, Secretary
Review Committee

8/7/96

Date