

Misc. UNION INTERPRETATION
STAFF MEMO 1-7-80

306.91

TO: All Staff
FROM: Mickey Harrington
DATE: January 7, 1980
SUBJECT: General Construction Demotional and Promotional Rights

As we enter the winter season, we enter the demotion season for many of the departments and classifications of General Construction. Numerous questions arise each year as to demotion and promotion rights. They may be best answered by setting some examples which may parallel some actual cases. In doing so, we must set up the ground rules necessary for making a "Bump" or "Promotion". To bump someone, you must have two years of service and be qualified to do the work of the person you are displacing. For promotions, you must be the senior person with 306.9 rights to a job to be filled. If no one has 306.9 rights, then the senior man in the next lower classification in the line of progression is awarded the job.

The first example is a Lineman who is the junior Lineman in his Geographical Area and is to be demoted for lack of work. First, he has the right to displace an Apprentice Lineman in his Geographical Area and if that is impossible, he may displace an Apprentice Lineman in another Geographical Area. In both cases he retains his Journeyman status. This holds true for other classifications stemming from an Apprenticeship.

The second example is a Working Foreman "B" in the Gas Department who is the junior man system-wide. He must return to the line of progression from which he came. If he was an Equipment Operator, he would have the option to displace a Working Foreman "C", or one of the many operator classifications in his line of progression, provided, he is qualified and senior to the man he is displacing.

One of the most misunderstood issues among G.C. members is, that you are required to hold a classification to have rights to it. This is not true. You only have to be in the line of progression and have held a classification higher to the one you are bumping to. Thus, in this case, the Working Foreman "B" can displace anyone in his line of progression provided he is senior, and qualified to perform the duties of that classification. This also holds true for other lines of progressions and other departments.

The third example deals with like-type classifications, such as Special Driver and M.E.O. "A" or Line Driver and M.E.O. "A" or many of the other combinations of classifications which are blocked together and are considered as one when it comes time for demotion. This problem can become complicated, so if in doubt as to your rights in this

area, be sure to contact your Steward, or Business Representative within 30 days, which is the time limit for filing a grievance.

The fourth example speaks to your rights to return back to a job you once held. Section 306.9 provides for this very thing. It gives you preferential consideration or first choice to return to a classification in the line of progression, as long as you have held the classification, or a like-type classification, or one which is higher than the one which is vacant. Again, you must be the senior qualified man with 306.9 rights. You cannot lose your 306.9 rights to a particular vacancy, unless you turn the job down, and then you only lose your 306.9 rights to that job classification. You may, however, temporarily lose your 306.9 rights to a particular job classification by changing your line of progression but you will gain them back once you return to a classification which is common to the line of progression that you left. A good case would be a M.E.O. "B" in the Gas Department. He has several lines of progression in which he could have 306.9 rights to; Streetfitter, Equipment Operator, and Carpenter. It is not uncommon for a man to have been in more than one line of progression.

The last example deals with the temporary/permanent (T/P) upgrade form, and what role it plays in your promotional rights. You should have a T/P sheet on file on the date the vacancy comes open stating you are interested and qualified for the job. If you do not, the Company will have you fill one out. One should note that you can file a T/P sheet stating you are not interested in a job one day, and the next day file a new T/P sheet stating you are interested and qualified. The last T/P sheet on file will become the T/P sheet of record, and will be used to determine if you will get the job vacancy, or be notified that you have been bypassed, so you can grieve. You may have reasons to indicate you are not qualified for a job because you have not passed a required test, or do not hold a license which is needed to perform the duties of the job. If this is the case, you should file a new T/P sheet once you do become qualified for the jobs in your line of progression, so you will be upgraded when your turn comes for promotion.