



REVIEW COMMITTEE
(Arbitration Case No. 348)

IBEW



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LABOR RELATIONS DEPARTMENT
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INTERNATIONAL BROTHERHOOD OF
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LOCAL UNION 1245, I.B.E.W.
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- CLAIRE IANDOLI, CHAIRPERSON
- DECISION
 - LETTER DECISION
 - PRE-REVIEW REFERRAL

KIT STICE, SECRETARY

Review Committee Number 23386
Electric Operations- Electric T&D- Lakeville

Joe Brennen
Company Member
Local Investigating Committee

Ralph Kenyon
Union Member
Local Investigating Committee

The above-subject grievance had been referred to arbitration as Arbitration Case No. 348 and is being returned to the Review Committee for settlement.

Subject of the Grievance

This case concerns the bypass of a Distribution Line Technician with 43 years of service for a Transmission Electric Crew Foreman Position at Lakeville Substation. The successful candidate (with 30 years of service) and more junior to the Grievant was awarded the position based on the outcome of an interview process.

Facts of the Case

The Grievant had 43 years with the Company when he applied for a Transmission Electric Crew Foreman position.

The contract section applicable to this case is 205.14(a) which provides, "In making an appointment to fill a job vacancy in a classification involving personal contact by the employee with the public, or a technical classification or a classification in which an employee must exercise supervisory duties, Company shall consider bids of employees submitted as herein provided, but Company may nevertheless make an appointment to fill such vacancy on the basis of ability and qualifications."

The Grievant acknowledged during the interview he did not have experience in helicopter work conditions and had not worked Transmission for quite some time.

Union Position

The Union believes that the Grievant was bypassed inappropriately and that the Company had pre-determined who the successful candidate would be all along. The Union believes that the Grievant has the same equivalent transmission experience (11 years) as the selected candidate. In addition, the Union believes that the Company is in violation of LOA 05-16-PGE which states " in the application of Titles 205 and Title 206, journeyman and above will not be bypassed pursuant to Section 205.11 for a lack of knowledge, skill or efficiency as a result of job bidding and demotion/displacement for lack of work". The Union believes that the Grievant should be awarded the position.

Company Position

The Company believes that the successful candidate is very experienced with 11 years of current Transmission experience and has 30 years of service with the Company overall. Although the selected candidate had less service than the Grievant, the Company believes he had the ability and qualifications and was the most competitive candidate as demonstrated in the interview process, especially in the areas of leadership and technical skills. The selected candidate gave better specific examples during the interview process than the other candidates. Company also alleges that Grievant had turned down an Electric Crew Foreman position in Distribution effective March 4, 2016.

Discussion

This case has been discussed at length throughout the steps of the grievance procedure. The Review Committee has reviewed all the relevant contractual language, agreements and supplements with respect to this case and notes the following:

With respect to LA 05-16, the language, spirit and intent of this agreement was to give "journeyman and above" an opportunity to bid to these positions without prejudice to their Electric distribution background. In addition, the agreement provided for training employees and required an employee who accepted the vacancy to commit to 5 years in the Electric Transmission Department before they would be eligible for normal bid rights.

Decision

The Review Committee agrees, the Grievant will be awarded the Electric Crew Foreman – Transmission position for the purposes of his final pay pension calculation effective and retroactive to January 31, 2017. No other benefits or entitlements will arise as a result of this settlement. This settlement is non-precedent setting and non-referable and as such this grievance is settled and closed pursuant to these terms.

Claire Ieri 7-16-18
Claire Iandoli, Chairperson Date
Review Committee

Kit Stice 7-2-18
Kit Stice, Secretary Date
Review Committee