



REVIEW COMMITTEE



PACIFIC GAS AND ELECTRIC COMPANY
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INTERNATIONAL BROTHERHOOD OF
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ROBIN WIX, CHAIRMAN
 DECISION
 LETTER DECISION
 PRE-REVIEW REFERRAL

KIT STICE, SECRETARY

Pre-Review Committee Number 22690 Electric Operations – M&C– Angels Camp

Sean Marjala
Company Member
Local Investigating Committee

Ken Amaral
Union Member
Local Investigating Committee

Subject of the Grievance

This case concerns the Company's utilization of Section 205.14 to fill and Transmission Electric Crew Foreman vacancy in Angels Camp wherein the senior qualified employee was not appointed to the position.

Facts of the Case

In July 2014 the Company filled a Transmission Line Electric Crew Foreman (T-Line ECF) position in Angels Camp utilizing Section 205.14 of the Physical Agreement. Two of the three senior candidates from the bid list were interviewed; the third candidate declined the interview.

The interview panel consisted of two T-Line Supervisors and a T-Line Superintendent. The candidates were asked a total of nine questions. At the time of the appointment, the successful candidate had 18 years of service which included 9 years of Transmission experience. The grievant had 37 years of service and had worked in Division Electric M&C since 1985 as an Apprentice Lineman, Lineman, and Troubleman. Additionally, the grievant was a Division Electric Crew Foreman from October 2013 until his retirement in February 2015.

Discussion

The Union argued that the grievant was the senior bidder and was qualified for the position based on his many years of experience as a Lineman and his 8 months as a Division Electric Crew Foreman in Electric Maintenance and Construction. The Union argued that the Company bypassed the grievant based solely on his lack of Transmission Line experience. The Union sighted Letter Agreement R1-90-69 (superseded by LA R1-00-55) which prohibits bypassing journeyman for lack of knowledge under Section 205.11:

"In the application of Titles 205 and 206, journeymen 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."

Notwithstanding the argument that the Company could not bypass the grievant based on 205.11 per the letter agreement, the Union further argued that, as an Electric Crew Foreman, the grievant possessed the necessary ability and personal qualifications to successfully perform the job duties. The grievant would gain the necessary transmission technical skills on the job and therefore the grievant should have been awarded the position. In Arbitration Case No. 6, the Arbitrator determined the following in relation to Section 205.14 of the Agreement:

"...limits the seniority rights of bidders for a public contact job, not merely by authorizing the Company to reject the bid of an employee lacking the necessary ability and personal qualifications, but by authorizing it also to appoint, from among those so qualified, an employee who demonstrably possesses ability and personal qualifications superior to those of any bidder who may be senior to him."


The Company argued that Section 205.14 of the Physical Agreement was utilized to fill the position, and not Section 205.11. Section 205.14 states in part:

"...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 personal qualifications."

The Company argued that Crew Foremen must possess a high level of knowledge of the procedures and tasks being performed in order to safely plan and direct the work of a crew. The Company determined that the selected employee's qualifications were superior to that of the grievant's. During the LIC, the grievant admitted his lack of knowledge and experience related to transmission work. Furthermore, the grievant stated that he only wanted the job for the higher wage rate toward his retirement.

Decision

After reviewing the documents, and discussing this case at length, the Committee agreed that the selected candidate possessed qualifications that were superior to those of the grievant and therefore the appointment to the vacancy was appropriate. The Committee agreed to close this case without adjustment.



Robin Wix, Chairman
Review Committee

4/20/15
Date



Kit Stice, Secretary
Review Committee

4/20/15
Date