



## REVIEW COMMITTEE



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INTERNATIONAL BROTHERHOOD OF  
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ROBIN WIX, CHAIRMAN  
 DECISION  
 LETTER DECISION  
 PRE-REVIEW REFERRAL

F.E. (ED) DWYER, JR., SECRETARY

### Pre-Review Committee Number 22732 Electric Operations – M&C– Hayward

Brenda Legge  
Company Member  
Local Investigating Committee

Lou Mennel  
Union Member  
Local Investigating Committee

#### Subject of the Grievance

This case concerns the Company's utilization of Section 205.14 to fill an Electric M&C Coordinator vacancy in Antioch wherein the senior qualified employee was not appointed to the position.

#### Facts of the Case

The Company utilized the interview process outlined in Letter Agreement 10-15-PGE, and in accordance with Section 205.14 of the Physical Agreement, to interview the top three interested bidders for an M&C Coordinator - Electric position located at the Antioch Service Center. All three candidates were B bidders for the position.

The successful candidate was hired August 7, 2001, and held the position of Cable Splicer. He had also been temporarily upgraded to an Electric M&C Coordinator for almost a year directly prior to his interviewing for the position. The grievant's hire date is December 4, 2000, and he had held the position of Lineman prior to his Electric Crew Foreman position.

The interview panel consisted of two M&C Electric Supervisors. The candidates were asked a total of six questions. The interviewers had noted that the grievant would require little training to get up to speed, and the successful candidate was ready to assume the position.

#### Discussion

The Committee reviewed Letter Agreement 10-15-PGE for filling M&C Coordinator positions. The Company and Union recognize that unique skills are required for these positions and agreed to the following:

*"When vacancies occur, qualified bidders will undergo skills assessment and be interviewed by the Company. Both the skills assessment and interview will be*

*considered in determining a qualified bidder's abilities and qualifications for purposes of Section 205.14."*

*"In accordance with Subsection 205.14(a) of the Agreement, the Company may place applicants into vacancies based upon the candidates' abilities and personal qualifications (as determined by the Company)."*

The Committee also reviewed Arbitration Case No. 6, wherein 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 Union argued that the grievant was the senior employee and was well qualified for the position based on his many years as a Lineman and Electric Crew Foreman. Based on the LIC report, the interviewing supervisor stated that the grievant would require little training to "get up to speed" for the M&C Coordinator position. The Union argued that the Company did not demonstrate that the successful candidate's qualifications were "superior" to the grievant's. Additionally, the Company did not follow the M&C Coordinator Implementation Guide during the selection process. Specifically, the Company failed to independently document and rate the grievant during the interview, and failed to utilize a panel of three interviewers as outlined in the guide.

The Company argued that the successful candidate had been temporarily upgraded to an Electric M&C Coordinator position for approximately one year and therefore possessed a level of skills directly related to the M&C Coordinator position which the grievant did not possess and therefore demonstrates a higher level of knowledge and skills than that of the grievant. Based on his direct work experience in the Electric M&C Coordinator position the Company determined that the successful candidate held superior qualifications to the grievant.

Decision

The Committee reviewed the interview documents specific to each candidate, and discussed this case at length. The Committee concluded the Company did not demonstrate that the selected candidate "demonstrably possessed ability and personal qualifications superior to" those of the grievant. The Committee agreed to an equity settlement specific to this case. The grievant will be placed in the Antioch Electric M&C Coordinator position. The current Antioch Electric M&C Coordinator will be relocated to the Concord headquarters in accordance with Section 206.17 Relocation Other Than for Lack of Work and will maintain "A" bidding rights back to the Electric M&C Coordinator position at the Antioch Service Center.

Robin Wix      4/20/15  
Robin Wix, Chairman      Date  
Review Committee

F.E. (Ed) Dwyer, Jr.      4/20/15  
F.E. (Ed) Dwyer, Jr., Secretary      Date  
Review Committee