

## REVIEW COMMITTEE DECISION

R. C. File Nos. 162 and 163, East Bay Division Grievances Nos. 109 and 111

### Subject of Grievances:

#### R. C. File No. 162

Job No. 1:3413, Second Operator at Oakland Power Plant, was posted for bid. Vernon Kraul, who was formerly a Second Operator but who had been transferred under Title 206 of the Agreement to a Second Operator in training, bid on the posted job vacancy. Kraul claimed that contract section 206.9, which provides that preferential consideration for accelerated advancement will be given to employees demoted or transferred under Title 206, entitled him to the job award. The Division refused such consideration on the basis that the job which was posted as vacant had a higher wage rate than the job previously held by Kraul. The wage rate of the posted job was: Start \$93.25 per week, End 6 months \$97.85, End 1 year \$99.80. The wage rate of the Second Operator job from which Kraul had been transferred was \$90.00 per week.

#### R. C. File No. 163

Jobs Nos. 1:3455 and 1:3457, First Operator vacancies in East Bay Division, were posted for bid. James Martin, a former First Operator who had been demoted under Title 206, bid on the posted jobs. He claimed preferential consideration under Section 206.9 of the Agreement. The Division refused such consideration because the First Operator jobs which were posted had higher maximum wage rates than the First Operator job from which Martin had been demoted.

The Union contended that the grievants involved in foregoing cases were entitled to preferential consideration under Section 206.9 of the Labor Agreement. The Division maintained that such section did not apply because the maximum wage rates of the posted jobs were higher than the maximum wage rates of the jobs formerly held by the grievants.

### Statement and Decision:

This Committee had much discussion concerning the meaning and intent of Section 206.9 as applied to cases where the wage rate of a posted job vacancy was higher than the maximum wage rate of a job from which an employee had been transferred or demoted under the provisions of Title 206. No mutual understanding was reached concerning an interpretation of Section 206.9 in this respect, but it was noted that the problems as presented by the foregoing grievances will be cleared up when negotiations, now under progress by Company and Union with respect to job definitions and lines of progression for substation and hydro operators, are completed. However, this Committee has reached the following understanding concerning each of the above cases.

R. C. File No. 162

Job No. 1:3413 is to be awarded to Vernon Kraul, effective May 1, 1957. He should be transferred to such job as soon as operating conditions permit. No retroactive pay is to be involved but the employee is to be given credit, for wage rate purposes in the classification, for the period of time dating from May 1, 1957 to the date he actually takes over the duties of the job. This decision is based upon findings that the Division has in the past and under similar circumstances provided accelerated advancement under Section 206.9 to other employees in classifications having a lower maximum wage rate than the maximum wage rate of the job posted as vacant.

R. C. File No. 163

The grievance of James Martin is denied and the award of Jobs Nos. 1:3455 and 1:3457 are to stand as previously published. It is the belief of this Committee that employee Martin relinquished any right he may have had for accelerated advancement under Title 206 in East Bay Division when, after filing his grievance, he accepted a job in Sacramento Division and transferred to that location.

FOR UNION

Robert D. Bevers

Kenneth Stevenson

L. L. Mitchell

By L. L. Mitchell

Date Jan 21, 1958

FOR COMPANY

E. F. Sibley

C. L. Yager

V. J. Thompson

By V. J. Thompson

Date Jan 21, 1958

VJT:LC  
1-21-58