

## REVIEW COMMITTEE DECISION

Review Committee File Number 267  
Stockton Division Grievance Number 29

### Facts of the Grievance

A Stockton Helper bid to a Helper vacancy in Modesto. He had bid to the Helper job in Stockton from a Laborer classification in Modesto less than 12 months prior to the current bid.

In addition to this employee's bid, the Division also received bids from a Helper in Stockton, who had less classification seniority than the grievant, and a Laborer from Modesto whose bid was entitled to preferential consideration under Section 205.7 (b).

In filling the vacancy, the Division Job Awards Committee applied Section 205.8 to the grievant's bid, claiming the bid could not be given preferential consideration and awarded the job under Section 205.7 (a) to the Stockton Helper who was junior to the grievant.

### Discussion

Section 205.8 was applicable in this case as:

- a. The vacancy was in the same classification and same headquarters as that in which the bidder previously worked in the next lower classification within the preceding twelve months, and
- b. there were bids from employees entitled to preferential consideration under Section 205.7 (b).

The question presented is whether the grievant should have been given preferred consideration under Section 205.7 (a) when, in applying Section 205.8 it did not enable a Modesto Laborer (205.7 (b) bidder) to receive the job award. The Review Committee recognized that in this instance the application of Section 205.8 created a situation not anticipated when the Section was negotiated. However, the fact cannot be ignored that Section 205.8 states that bids from the same classification shall not be given preferential consideration under Section 205.7 (a) in a situation where the two specified conditions, above, occur in combination.

In this case, the criteria were there for application of Section 205.8.

### Decision

After reviewing the problem involved in this case, it is the decision of the Review Committee that where the criteria stated in Section 205.8 are present in combination, the bids thus affected shall be set aside. The remaining bids shall be considered as though the affected bids had not been submitted.

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The Division Awards Committee properly awarded the job, even though the application of Section 205.8 did not result in the award being made under Section 205.7 (b).

FOR UNION:

Kenneth Stevenson  
W. M. Fleming  
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By L. L. Mitchell

Date Oct 11, 1961

FOR COMPANY:

E. F. Sibley  
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V. J. Thompson

By V. J. Thompson

Date October 9, 1961