

## REVIEW COMMITTEE DECISION

Review Committee Files Numbers 294 and 310  
San Joaquin Division Grievances Numbers 170 and 172

### Facts of the Grievances

In the first grievance, due to a vacancy in a regular First Operator position at Midway Substation, the Station Foreman was scheduled to operate the 21st shift on a holiday during the 7:00 a.m. to 3:00 p.m. shift. The grievant in this case is a First Operator at Midway who was on his regular day off. The First Operator contends that he was entitled to be called in to work the vacant 21st shift rather than making the assignment to the Substation Foreman.

The second grievance concerns the performance of emergency maintenance by a Substation Foreman on the water system at Company's Panoche Substation. The emergency work, which started at 1:00 a.m. on the morning of April 26, required 2½ hours to complete. The grievant, an Emergency Relief First Operator, states that he was available and entitled to be called for the emergency work. The grievance also alleges a second violation of the Agreement between Company and Union when, at 6:27 p.m. on May 2, 1961, the Substation Foreman performed switching work at the Mendota Substation. Here the grievants are First Operators and an Emergency Relief First Operator headquartered at the Panoche Substation. The grievants contend that they are entitled to be called to perform such switching rather than the Substation Foreman.

### Discussion

Although the grievances present dissimilar fact situations, they pose similar questions of alleged violations of the Agreement. Each concerns the question as to whether the Substation Foreman was performing work which should have been assigned to employees within the bargaining unit.

Although the Substation Foreman position in the San Joaquin Division is considered an exempt classification, the Foreman has performed substation operating and maintenance functions since the classification was first established. The utilization of the Substation Foremen, in this Division, to perform such work has in the past been the subject of discussion between Company and Union during negotiations. This resulted in Company establishing an Emergency Relief First Operator classification in this station, thereby lessening the operating activities of the Substation Foreman. However, in this station the Division has continued to assign the Foreman to the 21st shift when the Emergency Relief First Operator is relieving in another shift or is unavailable. Such was the case in the first grievance. The Emergency Relief First Operator was assigned to a temporary vacancy and could not be assigned to the 21st shift. Furthermore, the Substation Foreman involved had been assigned to the 21st shift during the two week period prior to the date in question without a complaint being filed.

When the Substation Foreman is not engaged in relief operating work, as discussed above, he is regularly assigned to station maintenance. In a like manner, the Emergency Relief First Operator assists the Substation Foreman in station maintenance when the Emergency Relief First Operator is not assigned to relief operating duties. When an emergency situation occurs requiring maintenance

service, the nature and extent of the repairs must first be determined and in such a situation it is necessary that the Substation Foreman make this evaluation. Where the trouble can be repaired by the Substation Foreman, he performs the necessary repairs alone, as appears to be the case in the second grievance. In other situations where the work requires the assistance of another person, the Emergency Relief First Operator is called when he is available.

The remaining portion of the second grievance as yet not discussed concerns the switching performed at the Mendota Substation by the Substation Foreman. The record notes that the First Operators and the Emergency Relief First Operator headquartered at the Panoche Substation operate and perform switching only at Panoche and direct switching at those stations under the jurisdiction of the Panoche Station. The grievants concerned in this case had not performed switching at the Mendota Substation and it was necessary that the Substation Foreman be assigned the switching.

Decision

In view of the facts of the cases as discussed above, it is the decision of the Review Committee that it is unable to support the grievants and must therefore deny the correction asked for in their grievances.

FOR UNION:

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

By L. L. Mitchell

Date Nov. 13, 1961

FOR COMPANY:

E. F. Sibley  
C. L. Yager  
V. J. Thompson

By V. J. Thompson

Date November 7, 1961