

REVIEW COMMITTEE DECISION

Review Committee File Nos. 1005, 1009, 1028, 1030, 1325, and 1331
Humboldt Division Grievance Nos. D.Gr/C 19-70-2, D.Gr/C 19-70-6, and
D.Gr/C 19-70-12
North Bay Division Grievance Nos. D.Gr/C 4-70-7 and D.Gr/C 4-70-9
Sacramento Division Grievance No. D.Gr/C 6-73-4
East Bay Division Grievance No. D.Gr/C 1-73-19

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Subject of the Grievances

Each of the grievances arose from similar facts. The grievants are employees who are not headquartered at the location where the temporary upgrade occurred. At the headquarters where the temporary vacancy occurred, Clerk C's or D's were upgraded to fill Clerk A or B positions. There were no immediate next-lower classifications in any of the offices concerned in these grievances.

The contention, then, of each of the grievants is that he or she should have been temporarily assigned to the location where the vacancy occurred inasmuch as each would have been the successful bidder if the vacancy had been permanent rather than temporary.

Discussion

The Clerical Labor Agreement specifically deals with the question of filling temporary vacancies in Subsection 18.3(a): "Whenever a vacancy occurs in any job classification, Company may temporarily fill it by assignment. In making temporary assignments to fill job vacancies other than vacancies in beginner's classifications, Company shall first consider regular full-time employees at the headquarters in which the job vacancy exists in the order of their preferential consideration under Section 18.8." (Emphasis added.) Further, in Exhibit A - Lines of Progression - Division Clerical Departments, the following example of a temporary assignment is given: "Temporary upgrades shall take place within the department and headquarters in which the temporary vacancy exists provided there is a next-lower classification to the vacant classification in such department and headquarters." (Emphasis added.) Temporary upgrades into classifications where there is no next-lower classification to the vacancy within the department and headquarters shall be made in accordance with the lines of progression."

As the facts point out, in these particular offices there was no immediate next-lower classification to the vacant A or B positions. The question, then, involves the second sentence of the example, and the question specifically is whether this opens the appointment to persons outside of the headquarters. The language of the example is certainly not crystal clear. It could be read to mean that, if there is no person in an immediate lower classification to the one that is temporarily vacated, it must be filled from outside of the headquarters. To read the Exhibit this way, however, would, with regard to such assignments, conflict with the literal meaning of Subsection 18.3(a). That section, which is paramount to the example in any event, speaks in terms of the entire line of progression to the temporary vacancy.

In an effort to resolve the conflict, the Review Committee has taken into account several factors: (1) The promotional system is based on prebids from next-lower classifications within a Division assuming that the bidders are qualified. (2) The most common method for employees to attain the requisite skills and knowledge for promotion is temporary upgrades to higher classifications. (3) The extent of the Company's obligation to train employees for promotion. (4) In the filling of temporary vacancies, the Company is only obligated to give consideration to those senior employees who have prebids on file provided the assignment does not disrupt Company's operations to a point where it becomes impracticable to do so or the expense outweighs the Company's commitments to provide promotional training.

Decision

For the foregoing reasons where there is no next-lower classification in the line of progression, it is the decision of the Review Committee that: (1) Temporary upgrades for one basic workweek or less shall be made within the headquarters following the line of progression to successively lower classifications provided that such a person is qualified to handle the work of the higher classification to which the temporary appointment is being made and; (2) such temporary upgrades for more than one basic workweek shall be offered to the senior qualified prebidder within a district provided that such person resides within a commutable distance ("commutable distance" as used in this decision shall mean a temporary headquarters located not more than 45 minutes or 30 miles from his residence). In the application of Item (2), the upgraded employee shall report to the temporary headquarters in accordance with the provisions of Section 10.8 of the Clerical Agreement. When the temporary assignment lasts for more than 60 consecutive calendar days, the upgraded employee will then be considered reporting to his "regularly established headquarters."

These grievances are closed without adjustment.

FOR UNION:

W. H. Burr
E. R. Sheldon
L. N. Foss

By

Date

L. N. Foss
MARCH 4, 1974

FOR COMPANY:

J. A. Fairchild
H. J. Stefanetti
L. V. Brown

By

Date

L. V. Brown
MARCH 4, 1974