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FOR INTRA - COMPANY USES

DIVISION OR DEPARTMENT INDUSTRIAL RELATIONS
 FILE NO. 741.5
 RE LETTER OF
 SUBJECT Review Committee File No. 1181
 East Bay Division L.I.C. Grievance No. 1-72-17
 Bypass of E. D. Bell to Clerk B, Customer Services

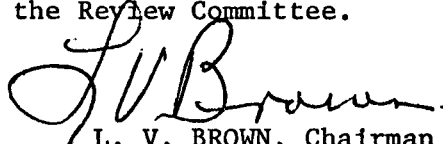
August 30, 1973

MESSRS. E. F. ROMAGNOLO and W. K. NATA
 East Bay Division
 Local Investigating Committee

The above-subject Review Committee case has been discussed at the last meeting of the Review Committee. It is being returned to your Division to clarify an apparent misunderstanding and, further, to suggest additional steps that the Local Investigating Committee should take to resolve this grievance.

Looking first to the clarification, which concerns the provisions of Section 18.4 and the qualifications contained in that section that require that the Company notify a prebidder of any "known reason which might preclude his filling the classification", it is not intended to mean that the final qualifications for promotion of a prebidder will be determined at that point, such determination is made effective the day the vacancy occurs. However, if at the time the employee submits his prebid the Company is aware of some fact which, if the job were vacant at that moment, would preclude the employee's bid from consideration, for example, lack of experience or training or having to pass an entrance examination to the Customer Services Clerk, such facts should be made known to the employee. The reason for this is to allow the employee additional time to gain qualifications for other appointments.

Turning to the case at hand, the crux of the matter is whether or not Mrs. Bell could step into the B job and perform those duties satisfactorily at the time of the award. If she could, she is entitled to the job. If she could not, she is not and the grievance should be denied. The Committee should, therefore, solicit from the supervisor who made the determination that she was not qualified whatever facts he relied on to substantiate his conclusion. If that evidence fairly supports his conclusion, you should dispose of the case on that basis and if not, of course, reverse the award. If you are unable to resolve the issue, the further facts developed should be furnished to the Review Committee.


 L. V. BROWN, Chairman
 Review Committee

LVB:RS

- cc: WDSkinner
- IWBonbright
- JAFairchild
- ADowen
- HJStefanetti
- RFPape
- LNFoss, IBEW

EAST BAY DIVISION

LOCAL INVESTIGATING COMMITTEE CASE NO. 1-72-17

Subject of the Grievance

The case involves the bypass of Mrs. Edith D. Bell, Customer Services Clerk, Hayward Office, to a Clerk B, Customer Services Department, at the same headquarters.

Facts of the Case

The Local Investigating Committee was unable to resolve this case at the local level, and it was mutually agreed to refer it to the Review Committee. The case was prepared and forwarded on August 16, 1972.

The case was referred back to the Local Investigating Committee from the Review Committee by letter from L. V. Brown, Jr., on August 30, 1973. The Review Committee recommended that further testimony be taken from the supervisor who made the determination that the grievant was not qualified for the job in question. (Exhibit #1)

The Local Investigating Committee then proceeded without delay to hold an investigative meeting. Those present at this meeting were: G. F. Wood, District Customer Services Supervisor, Mission District, Hayward; K. N. Nata, Union Business Representative; and E. F. Romagnolo, Labor Relations Representative. This meeting brought out the following facts:

1. Mr. Wood testified that the grievant did have some tag posting experience in the past, and the grievant's contention that she was qualified for the job in question was based on the fact that she had relieved on a Clerk "B" position in 1969. The grievant felt that this position was similar to the job on which she was bypassed.
2. Mr. Wood testified that he had reviewed the job duties of this Clerk "B" position, and talked with the supervisors involved at that time (1969). According to the job description, the job duties were no more than those of a Clerk "C" position and Clerk "D" position. The incumbent in this job, at that time, retired during 1969, and the duties were then distributed to various clerks in the Hayward Office. The job did not consist of any work in difficult rate evaluation.
3. Mr. Wood further testified that it was his opinion as a supervisor for the Hayward Office that the grievant did not have the job knowledge or skill to fill this Clerk "B" position in May, 1972, or at the present time, but is qualified to perform Clerk "B" duties, Credit, and Clerk "A" duties, Credit and A.C.D.S. He further stated that he does not feel the grievant understands the job concept, and in his opinion, does not demonstrate the knowledge of rates, and does not seem to have the interest, understanding or aptitude for working with figures and rates.
4. Mr. Wood stated that prior to the filing of the bypass grievance on June 6, 1972, the following days were shown as upgrades for the grievant. This record dates from July 1, 1970 to June 6, 1972 (the date of the grievance).

Local Investigating Committee Case No. 1-72-17

Upgrade to Clerk "B" Credit	149 days
Upgrade to Clerk "A" Credit and ACDS position	150 "
Customer Services Clerk (regular position)	125 "

Since the date of the grievance the record of upgrades for the grievant, June 7, 1972 to September 10, 1973, are as follows:

Upgrade to Clerk "B" Credit	146 days
Upgrade to Clerk "A" Credit and ACDS position	66 "
Customer Services Clerk (regular position)	64 "

During the time the grievant worked at her regular position in 1973, there were 20 days when no one was available to give her training on the Clerk "B" position in question, due to vacations.

- 5. Mr. Wood stated that the grievant did receive training which was the first step on routine tag posting under the new CIS system, and was for two weeks in 1973. Also, the grievant was given the opportunity to be trained on two occasions in 1973, but refused in lieu of upgrades. The first opportunity turned down by the grievant in 1973 was for a 4 week period and the second opportunity she turned down was for a 2 week period.

Mr. Wood stated that the grievant will again be given the opportunity for training when trainers are available and the grievant is available.

Statement and Settlement

After a thorough examination of all the facts surrounding this case, this Committee concludes that the facts brought out by the supervisor indicate that the grievant was not qualified to perform the duties of this Clerk "B" position at the time of the job award.

In view of the evidence in this case, it is the decision of the Committee that the bypass of the grievant was for proper cause.

This case is considered closed.

FOR THE COMPANY

FOR THE UNION

E. J. Magrino

William L. Pata

DATE 10-4-73

DATE Oct. 8, 1973