

## REVIEW COMMITTEE DECISION

Review Committee File No. 1344-74-13  
San Jose Division Grievance No. 8-73-46

### Subject of the Grievance

The case concerns the reclassification of a vacant Distribution Operator job to Second Operator-Substation in Cupertino, San Jose Division.

### Discussion

The facts of the case indicate that the Division tried unsuccessfully on two different occasions to fill the Distribution Operator job. The job was posted for system-wide bidding in August and October 1973. After the second posting, the Division reclassified the job to Second Operator-Substation in the Distribution Operator office filling the job by transferring T. E. Clay, Engineering Assistant. The reclassification was for the purpose of training the new Second Operator to ultimately become a Distribution Operator.

The Union's argument is that the establishment of a Second Operator-Substation for the purpose of training for a Distribution Operator is in violation of the Job Definitions and Lines of Progression for Division Electric Departments. The Review Committee, in reviewing the case, agrees that the answer to the grievance can be found in the job definition of a Second Operator-Substation, specifically where it states:

"A shift employee whose primary duties are to operate, take readings, tend equipment, keep records, and care for buildings and grounds under the supervision of a First Operator, Assistant First Operator, Relief First Operator, or Utility Operator. . ."

The Joint Statement of Facts indicates that the Second Operator is not under the supervision of any of the above-mentioned classifications and, in fact, is in training to become a Distribution Operator.

The Review Committee has no alternative but to agree with the Union's position that the establishment of this position is in violation of the Agreement, and the only remaining question is the appropriate remedy to resolve the grievance. The Review Committee recognizes that the Division has considerable difficulty in filling Distribution Operator jobs with qualified employees; and in many cases, employees are awarded or appointed to these jobs when they are not fully qualified to stand "watch" by themselves. With this being the case, the appropriate remedy in this case is to reclassify Mr. T. E. Clay to Distribution Operator inasmuch as he has had approximately four months' training, he is now capable of standing "watch" by himself, and there are no other qualified employees bidding the job.

### Decision

In view of the foregoing, it is the decision of the Review Committee that the establishment of the Second Operator classification in the Cupertino

Distribution Operator office was in violation of the Agreement, and Mr. T. E. Clay is to be reclassified to Distribution Operator effective April 22, 1974.

FOR UNION:

E. R. Sheldon  
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FOR COMPANY:

J. A. Fairchild  
P. Matthew  
L. V. Brown

By s/L. N. Foss

By s/L. V. Brown

Date April 23, 1974

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