

## REVIEW COMMITTEE DECISION

Review Committee File No. 1364-74-33  
North Bay Division Grievance No. D.Gr/C 4-74-18

### Subject of the Grievance

This case concerns the bypass of William A. Lechner, Cableman's Helper in San Francisco Division to a T&D Driver, Vallejo, North Bay Division, for his failure to demonstrate the ability to safely operate the auxiliary equipment on a line truck up to the time his bid for appointment was considered.

### Discussion

The record indicates that the Division posted a T&D Driver job on the February 1, 1974 Employment Bulletin. The job was held pending until April 1, 1974 when it was awarded to David Leary, Line Truck Driver, General Construction. At that time Union filed a grievance on behalf of the grievant alleging that the Division in the past has waived the requirement that an employee be fully qualified as on the closing date for postbids and, for that reason, did not have just cause to bypass the grievant. It was determined by the Local Investigating Committee that the grievant had obtained a California State Class I Driver's License on January 10, 1974 but had failed to demonstrate the ability to operate the auxiliary equipment on a line truck, i.e., Winch Operation, Hydraulic Boom, and Earth Boring Machine. It was not until April 5, 1974 that the grievant was given a retest on the auxiliary equipment and passed. However, during the San Francisco Division's Local Investigating Committee's investigation, it was stated that San Francisco Division considered, prior to April 4, 1974, the grievant qualified for the T&D Driver classification and on two different occasions had offered him T&D Driver jobs in San Francisco. It should be noted that in San Francisco Division some T&D Drivers are not required to operate this type equipment, therefore, employees bidding this classification in San Francisco are not necessarily bypassed for failing to pass the auxiliary equipment test.

The case is unique and poses an interesting problem inasmuch as two Divisions apparently have different requirements for appointment or upgrade to a T&D Driver classification. The inconsistency, however, can be quickly resolved by reference to the mandatory requirements of the Job Definition negotiated for T&D Drivers which, except for the limited qualification that will follow, must be met prior to such an appointment (Section 205.11):

"An Employee who drives a truck, maneuvers it at the job as required in connection with the construction, maintenance and operation of electrical overhead and underground facilities, operates all associated mechanical equipment on the truck and acts as a field clerk, performing assigned clerical work for the crew; is responsible for keeping tools and materials in good order on the truck; assists with the ground work."  
(emphasis added)

In addition to the foregoing, it should also be remembered that an employee's qualifications to be awarded a vacancy are determined at the time his prebid or postbid is given consideration for filling the vacancy.

These contractual requirements cannot be waived except through General Negotiations or agreement between Company and Union pursuant to the provisions of Title 205.19 of the Physical Labor Agreement. However, in those limited situations where an employee, then in the Line of Progression to the vacancy, has not received Company training to operate the appropriate mechanical equipment to the truck, and thus has not been tested, the award may be held pending for not more than 30 calendar days to provide for such an opportunity.

Decision

Inasmuch as there is no wage liability at issue, the Company and Union members of the Review Committee agree, pursuant to the provisions of Section 205.19 of the Physical Labor Agreement, that the grievant shall be offered an appointment to the next T&D Driver vacancy in Vallejo.

FOR UNION:

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

By




Date

11-21-74

FOR COMPANY:

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

By



Date

11-21-74