

Pre-Review Committee Decision

ESC Pre-Review Committee File Number #726 - Grievance # 23813

Subject of the Grievance

A Routine Estimator was upgraded to Supervisor for nine months. The Union raised issues of how he could progress in the Estimator Training Program (ETP), and also about whether he should be eligible for overtime as an Estimator.

Facts of the Case

The employee in question was a Routine Estimator who was in Module 5 when he went on a supervisor upgrade. He completed Module 5, passed the module test, and also started and completed Module 6 and became a Sr. Estimator while on supervisor upgrade. In order to continue progression in the ETP, he performed Estimating duties both on straight time and on overtime, coding his timecard accordingly for Estimator and Supervisor hours. The Company had attempted to fill the supervisor position on both a regular and temporary basis, but had not been able to find anyone, and there was a need for a supervisor. The employee in question had an Engineering degree and PE License.

Discussion

The Union argued that Routine Estimators cannot be removed from their training program. The Union also pointed out that it is improper for an employee to split their time between Estimator and Supervisor on a timecard basis, especially for such a long length of time. The Company argued that this was an exceptional situation since they had not been able to find any other candidates, and that upgrades to management are not subject to the contract.

Disposition

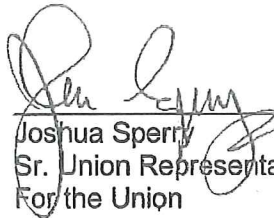
The Union and Company agree to the following provisions for settling the grievance:

1. Jared Maddox advanced to Sr. Estimator on his scheduled date.
2. In the future, Company will use its best efforts to refrain from upgrading routine Estimators to Supervisor during his/her ETP, unless exceptional circumstances arise.
3. In cases where employees are upgraded to management in the future, the following policies will apply:
 - a. **Short-term upgrades** are defined as an upgrade for up to ten consecutive workdays.
 1. Short-term upgrades are done on a daily time-card basis.
 2. The upgrade to supervisor must be for a full workday. There are no part-day supervisor upgrades.
 3. The upgraded employee may work regularly scheduled overtime after the end of the normal workday. This is because the upgraded employee is not considered

a supervisor after the end of the regular workday. Availability for EOT callout will follow the 2014 EOT Report.

4. The upgraded employee may not schedule additional overtime for themselves.
- b. **Long-term upgrades** are defined as any upgrade – PCR or timecard – for more than ten consecutive workdays. This is also called a “PCR upgrade” (PCR stands for Personnel Change Request). Long-term upgrades may be for less than ten days, but short-term upgrades may not be for more than ten consecutive workdays.
 1. The upgraded employee may not work overtime to do any Estimating (or other Bargaining Unit) work. Per the 2014 EOT Report, an employee on upgrade for more than one week will be removed from the EOT list and placed back per that policy. Employees on upgrade may work management overtime under the overtime policy for management employees.
 2. If the upgraded employee is a routine Estimator, their progression in their training program will be frozen. This means that all time on the upgrade will not be counted as time in the training program; time will be counted on a basis of days. This will also include the employee’s progression on the pay steps, although they will receive any General Wage Increase.


This is agreed upon as a complete settlement of the Union’s grievance referenced above.



Joshua Sperry
Sr. Union Representative
For the Union

1/3/18

date



Claire Landoli,
Review Committee Chair
For the Company

1/10/18

date