

H. The movement in and out of exchanges within a State of employees on State payrolls is not a temporary transfer under 12.05.

12.06 Appeal Rights.

The decision of the Company on any of the factors mentioned in 12.01, 12.02, 12.04 and 13.03 will be subject to the grievance procedure set forth in Article 21. After exhaustion of the grievance procedure, a charge of bad faith or arbitrary action will be subject to the arbitration procedure set forth in Article 23. If the Arbitrator finds that the Company acted arbitrarily or in bad faith, the Company will promptly take the necessary steps to correct such action.

ARTICLE 13 APPLICATION OF SENIORITY

13.01 Extent and Limitations. (For definition of "Seniority", see 1.27.)

In matters relating to assignment of hours and vacations, layoffs, rehiring after layoffs, voluntary transfers, involuntary transfers and promotions, seniority shall govern to the extent and with the limitations set out in 3.03A, 5.07A, Article 7, 10.01A2, 12.01A1b, 12.01A1c, 12.01E, 12.02, 12.02A2, 12.04 and 12.05C respectively. The provisions of 3.02 and 13.03 shall likewise apply.

13.02 The application of the principle of seniority will be on the following basis:

- A. For assignment of tours, the provisions of 1.38 notwithstanding, the "work group" will apply, with the following exceptions:
 - 1. The Company and the Union may agree at the Operations or higher level to assign tours in some manner other than by work groups.

2. Except for the conditions and limitations specified in 13.01, Network Operations employees in buildings housing central office equipment, where there is more than one central office or toll supervisor supervising work groups shall have the right to select tours in accordance with their seniority, provided they have the same job classification (title) and work on the same type of equipment. (No. 1 ESS, No. 2 ESS, No. 3 ESS, No. 4 ESS, No. 5 ESS, TSPS, and specialized assignments in Switching Control and Toll Center work groups, such as Field Forces, Trunking, Analyzation & Control, etc. are to be considered as different types of equipment.) On any changes occurring in Control Center (CC) groupings, or the introduction of new CC's, the Company will give prior notification to the appropriate State Director of the Union, or his/her designee, of the purpose of the proposed change, the job titles involved and if applicable, the intended CC area of control. The Company will consider the Union's input before making the change. The action of the Company in proceeding with the change will not prejudice the Union's rights under Article 15, or any other applicable rights under the Agreement.
3. Construction Forces who hold the same title and report to the same work center shall be grouped together for the choice of tours.
4. Tours for Operating Room and Centralized Repair Service Attendant Bureau Forces will be assigned in accordance with the provisions of 3.06.
5. Employees, other than those covered in 13.02A2, A3 and A4 above, who have a common title, a common place of reporting, a common second level supervisor (or higher level in the absence of a second level), and who perform the same type work shall be grouped together for choice of tours. This paragraph will not apply in the Comptrollers Department when the parties at the Director Level or higher level agree to assign tours by a work group. In

those instances where tours were assigned by work group in the Comptrollers Department, immediately prior to August 10, 1986, such groups may continue unless the parties at the Director level or higher mutually agree otherwise.

- B. For Vacations, the provisions of 1.38 notwithstanding, the work group with the following exceptions:
1. The Company and the Union may agree at the Operations or higher level to assign vacations in some manner other than by work groups.
 2. Except for the conditions and limitations specified in 13.01, Network Operations employees in buildings housing central office equipment where there is more than one central office or toll supervisor supervising work groups shall have the right to select vacations in accordance with their seniority, provided they have the same job classification (title) and work on the same type of equipment, (No. 1 ESS, No. 2 ESS, No. 3 ESS, No. 4 ESS, No. 5 ESS, TSPS, and specialized assignments in Switching Control and Toll Center work groups, such as Field Forces, Trunking, Analyzation & Control, etc., are to be considered as different types of equipment.) On any changes occurring in Control Center (CC) groupings, or the introduction of new CC's the Company will give prior notification to the appropriate State Director of the Union, or his/her designee, of the purpose of the proposed change, the job titles involved and, if applicable, the intended CC area of control. The Company will consider the Union's input before making the change. The action of the Company in proceeding with the change will not prejudice the Union's rights under Article 15 or any other applicable rights under the Agreement.

3. Construction forces will be grouped together for the choice of vacations as follows:
 - a. All employees holding the same title who report to the same work center will be grouped together when such employees report to different supervisors.
 - b. All employees holding the same title or who hold a different title and report to the same or different work centers may be grouped together when such employees all report to the same supervisor provided vacation relief is to be obtained from such employees. The grouping of employees in this manner will only be applicable in small exchanges (see Appendix "A").
4. Employees, other than those covered in "2" and "3" above, in the same or different titles having the same or a different place of reporting, who work under the same immediate supervisor may be grouped together for vacation selection purposes provided vacation relief is to be obtained from such employees and such employees possess the skills to relieve each other without training.
5. Employees, other than those covered in 13.02B2, B3 and B4 above who have a common title, a common place of reporting, a common second level supervisor (or higher level in the absence of a second level), and who perform the same type work shall be grouped together for choice of vacations.

13.03 Preference for Training.

- A. When an employee is to be selected for formal training to equip him/her for some higher-rated work, the matter shall be treated and handled in the same general manner as in 12.02C.
 1. "Formal training" includes the selection of employees from within a work group who are regularly scheduled to work part-time or to relieve in another job in accordance with 4.07I, and the principle of 12.02C shall be observed among all the members of the work groups who are

grouped together for the purpose of overtime equalization and vacation selections at the same place of reporting.

2. In the case of an unanticipated need for selecting a person from within a work group to fill in temporarily in another job in accordance with 4.07I, the principle of 12.02C shall be observed if such assignment extends beyond work on 3 consecutive work days.

- B. Opportunity for training will first be offered to employees within the job title and group normally performing the work prior to offering such training to employees in lower rated titles. Seniority shall govern if other necessary qualifications of the individuals are substantially equal.

Opportunity for formal training will be rotated among the employees within a work group insofar as practicable in keeping with the needs of the business.

- C. If job technology or functions are to be changed within a job title within a work group to the extent that the incumbents will not be able to satisfactorily perform in the job without successfully completing additional company-sponsored job-specific training, and the company has established the attainment of a minimum test score as a prerequisite to taking the training, the company will notify all of the incumbents in all of the work groups affected within an exchange/WRA.

1. Such incumbents will then be offered an opportunity to take the prerequisite test as soon as practicable following such notification and, if they meet minimum test score requirements, will be considered as qualifying for taking the job-specific training subject to the provisions of 13.03B.

2. Those incumbents in "1" above who fail to meet the required minimum test score will be advised of the areas in which they appear to be deficient and will be given the opportunity to receive appropriate general skills training under PARTNERSHIP. If they complete such training they will then be considered as qualifying to the same

degree as those in "1" above for taking the job-specific training subject to the provisions of 13.03B.

3. If an incumbent declines to take the prerequisite test at all, or declines the process offered in "2" above, or fails to successfully complete the job-specific company sponsored training, he/she will be assigned to the unchanged functions within the title within the exchange/WRA to the extent such work is available on a full-time basis, so long as such assignment will not adversely affect operations efficiency. If such assignment is not made or at such time such assignment cannot be continued, the employee may be treated as an "operational efficiencies" surplus under Article 7.

ARTICLE 14

JURISDICTION OF WORK

(for CPE see Customer Markets Addendum)

14.01 Contract Work.

- A. The Company agrees to use only Company employees on work involving the construction, maintenance, removal and/or repair of the following types of plant:
 1. All aerial outside plant except that on which such work may be performed by unskilled or occasional labor working on the ground rather than aloft.
 2. Underground cable and splicing of buried cable.
 3. Submarine cable except where such work requires the use of boats, barges, water-borne or other special equipment not normally used by the Company.
 4. Local and toll central office, TWX, TLX, private line or station equipment which constitutes any part of a communication circuit except work on such plant done by a connecting company on plant located in its territory.