

REVIEW COMMITTEE

Arb. #59

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PACIFIC GAS AND ELECTRIC COMPANY
245 MARKET STREET, ROOM 444
SAN FRANCISCO, CALIFORNIA 94108
(415) 781-4211, EXTENSION 1125

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W.
P.O. BOX 4790
WALNUT CREEK, CALIFORNIA 94596
(415) 933-8060
L.N. FOSS, SECRETARY

L.V. BROWN, CHAIRMAN

DECISION
 LETTER DECISION
 PRE-REVIEW REFERRAL

Review Committee Cases Nos. 978-70-34, 1007-70-64,
1201-72-79, and 1400-76-4
Humboldt Division Grievances Nos. 19-69-5, 19-69-9,
19-72-5, and 19-3-76-3

Subjects of the Grievances

These grievances all have to do with the assignment of employees classified as Auxiliary Operator at Humboldt Bay Power Plant to relieve employees classified as Assistant Control Operator (Auxiliary Operator) or the promotion of Auxiliary Operators to Assistant Control Operator (Auxiliary Operator) primarily assigned to Unit #3 at Humboldt Bay Power Plant.

Discussion

Sometime ago Company and Union modified an existing agreement with respect to Unit #3 at the Plant to provide that all future Assistant Control Operators at Humboldt Bay Power Plant would be required to hold a Reactor Operator's License and that "Vacancies in the classification of Assistant Control Operator shall be posted or filled as Assistant Control Operator (Auxiliary Operator). An employee who is a successful bidder on such a vacancy shall be classified as an Auxiliary Operator until he obtains an AEC operator's license. When he receives such license, he shall be reclassified to Assistant Control Operator."

At the time the above agreement was reached it was Company's intent to provide an incentive for employees performing Auxiliary Operator's duties to obtain a Reactor Operator's License and it was the expectation of both Company and Union that employees going into the classification of Assistant Control Operator (Auxiliary Operator) would be at the top rate of Auxiliary Operator and be fully qualified for promotion to Assistant Control Operator in a fossil fuel plant. Due to the later combination of several classifications into the Auxiliary Operator classification and turnover at Humboldt Bay Power Plant, it was necessary for the Company to fill vacancies in and to provide relief of employees in this classification with employees who had less than 30 months in the Auxiliary Operator classification. All of these grievances stem from this development. Partly due to a misunderstanding and partly due to conflict in the basic positions of the two parties, these grievances have been discussed at the local level, in the Review Committee, and in interim bargaining for as much as six years. The Review Committee has determined that the issue in all of these grievances is whether the classification is basically Assistant Control Operator or Auxiliary Operator with automatic progression to Assistant Control Operator upon meeting all the requirements for such automatic progression. While the language quoted above can arguably support either position, it is the determination of this committee that the basic classification under discussion is Assistant Control Operator with a modified application of the wage progression regardless of the job duties.

If this is the case, it follows that an employee who is temporarily or permanently assigned to Assistant Control Operator (Auxiliary Operator) "is assigned to a classification having a higher maximum wage rate" and that an employee so assigned is entitled to "(a) the first step of the wage progression of such classification which is higher than his present wage rate." (The foregoing is quoted from Section 204.5 of the Physical Agreement.) However, since promotion to the Assistant Control Operator classification and rate requires that an employee possess a valid Reactor Operator's License, an employee who is at the 30 months' step of Auxiliary Operator and is assigned the classification of Assistant Control Operator (Auxiliary Operator) is not entitled to the next higher step, i.e., Assistant Control Operator, until he obtains such license.

Review Committee Case No. 1201 is a bidding question. In this case three employees classified as Auxiliary Operators bid on two vacancies in the Assistant Control Operator (Auxiliary Operator) classification. None of the three Auxiliary Operators who bid the vacancy met all of the requirements provided for in the Agreement. The Division awarded the vacancies to the two employees who had the greater Company seniority in accordance with Subsection 205.7(d) of the Agreement. Union's position was that the two jobs should have been awarded to the two employees who had passed the test for promotion to Assistant Control Operator in a fossil plant regardless of seniority and even though they were not yet at the top rate of Auxiliary Operator.

The Union also argues on Cases Nos. 978, 1007 and 1400 that the assignment of employees who have not passed the Assistant Control Operator examination for fossil fuel plants to relieve in the Assistant Control Operator (Auxiliary Operator) classification is in violation of Section 205.3 of the Agreement. Since this issue is virtually impossible to settle on a retroactive basis and it has been settled for the future in the amendments to Exhibit VI-B attached to the letter agreement dated April 23, 1976, this matter is closed and is not dealt with in the Decision section below.

Decision

1. It is the decision of the Review Committee that those employees named in Review Committee Cases Nos. 978, 1007 and 1400 who were not at the time of the temporary assignment to Assistant Control Operator (Auxiliary Operator) being paid at the top rate of Auxiliary Operator are entitled to the next step in the Auxiliary Operator progression for the duration of the temporary assignment.

2. In Review Committee Case No. 1201, Mr. Harold Lehto was entitled to one of the two job vacancies filled on July 2, 1972 at a wage rate of \$201.70 per week.

This committee also reaffirms that for a bidder on a vacancy in the classification of Assistant Control Operator (Auxiliary Operator) to have preferential consideration for such vacancy under Section 205.4 and Subsection 205.7(b) of the Agreement he must (1) have passed the Assistant Control Operator examination, (2) have passed the 30-month Auxiliary Operator examination, and (3) be receiving the

top rate of the Auxiliary Operator classification (30 months). If no bidders have these qualifications, consideration of postbidders who partially meet these requirements shall be given in the order listed.

FOR UNION:

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

By *L. N. Foss*
Date 5-6-76

FOR COMPANY:

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

By *L. V. Brown*
Date 5-6-76

PACIFIC GAS AND ELECTRIC COMPANY

PGE +

245 MARKET STREET • SAN FRANCISCO, CALIFORNIA 94106 • (415) 781-4211 • TWX 910-372-6587

March 22, 1979

Local Union No. 1245
 International Brotherhood of
 Electrical Workers, AFL-CIO
 P. O. Box 4790
 Walnut Creek, California 94596

Attention: Mr. Dean Cofer, Business Manager

Gentlemen:

As a result of the extended shutdown at Unit 3, Humboldt Bay Power Plant, the Division is experiencing serious staffing problems at the Plant. The April 28, 1976 letter agreement, "Notes Applicable to Lines of Progression at Humboldt Bay and Diablo Canyon Power Plants," requires that all personnel above the Auxiliary Operator classification assigned to Unit 3 possess a reactor operator's license issued by the Operator Licensing Branch of the Nuclear Regulatory Commission.

The Operator Licensing Branch has not examined any applicants since July 1976 and will not examine any Humboldt Bay Power Plant applicants until the seismic and geological issues have been resolved. Consequently, there are numerous unfilled vacancies at Unit 3, and the shortage of operators is causing excessive amounts of overtime and has, in some cases, required employees to work unrealistic shifts.

In an attempt to solve the problems, Company proposes, pursuant to Sections 205.19 and 206.12 of the Physical Labor Agreement, to temporarily suspend the provisions of Section II.A.1. of the letter agreement, "Notes Applicable to Lines of Progression at Humboldt Bay and Diablo Canyon Power Plants." Company would then fill the Unit 3 vacancies with employees that have qualified by satisfactorily completing the Operator Training Program (fossil plant) on a provisional basis and temporarily waive the reactor operator license requirement. However, employees would not be used in situations where licenses are required and, further, would be expected to be licensable by the Operator Licensing Branch of the NRC when applications are again accepted by the Commission. At that time, the licensing provisions described in the above referenced document would be made effective.

If you are in accord with the foregoing and agree thereto, please so indicate in the space provided below and return one executed copy of this letter to Company.

Yours very truly,

PACIFIC GAS AND ELECTRIC COMPANY

By *J. W. Paulbright*
 Manager of Industrial Relations

The Union is in accord with the foregoing and it agrees thereto as of the date hereof.

LOCAL UNION NO. 1245, INTERNATIONAL
 BROTHERHOOD OF ELECTRICAL WORKERS, AFL-CIO

April 12, _____, 1979

By *Dean Cofer*
 Business Manager