

IN ARBITRATION PROCEEDINGS PURSUANT TO THE
COLLECTIVE BARGAINING AGREEMENT BETWEEN THE PARTIES

In the Matter of a Controversy

Between

PACIFIC GAS AND ELECTRIC COMPANY

And

LOCAL UNION 1245 INTERNATIONAL
BROTHERHOOD ELECTRICAL WORKERS

Issue: Were the job assignments
involved in each grievance in viola-
tion of the parties' Labor Agree-
ment; if so, what is the remedy?

ARBITRATION
CASE NO. 82

OPINION BY
THE CHAIRMAN

BEFORE THE BOARD OF ARBITRATION:

Appointed by the Union:

LAWRENCE N. FOSS, Assistant Business Manager
FRANK SAXSENMEIER, Business Representative
Local Union 1245 International Brotherhood
Electrical Workers
Post Office Box 4790
Walnut Creek, California 94586

Appointed by the Company:

F. C. BUCHHOLZ, Manager T&D General Office
P. E. PETTIGREW, Industrial Relations Representative
Pacific Gas and Electric Company
245 Market Street
San Francisco, California 94106

Chairman:

ROBERT E. BURNS, Esquire
155 Montgomery Street
San Francisco, California 94104

APPEARANCES:

For the Union:

Messrs. MARSH & MARSH
By MAUREEN C. WHELAN, Esquire
622 Contra Costa Boulevard, Suite 200
Pleasant Hill, California 94523

For the Company:

LAWRENCE V. BROWN, Esquire
Pacific Gas and Electric Company
245 Market Street
San Francisco, California 94105

The Parties and the Issue

Pacific Gas and Electric Company (the "company") and Local Union 1245, International Brotherhood of Electrical Workers (the "union") are parties to a collective bargaining agreement in effect during the period covered by this controversy (the "agreement").

Pursuant to the agreement and a submission agreement, a hearing was held in San Francisco on March 31, 1980, at which the parties and their attorneys were present. Pursuant to the submission agreement, the following issue was submitted to the arbitration board constituted pursuant to the agreement:

Were the job assignments involved in each grievance in violation of the parties' Labor Agreement? If so, what is the remedy?

The grievances (Review Committee files 1460, 1465, and 1470) concern the use of street lighting maintenance men to perform the changing of street lights to high pressure sodium vapor lights in the street light conversion program and the use of T & D drivers in the conversion program.

At the conclusion of the hearing, the issue was submitted to the Arbitration Board upon the filing of briefs by the parties. The briefs were received on June 9, 1980. The Arbitration Board met on July 7, 1980.

Provisions of the Agreement

Section 7.1 of the agreement provides:

"7.1 The management of the Company and its business and the direction of its working forces are vested exclusively in Company, and this includes, but is not limited to, the following: to direct and supervise the work of its employees, to hire, promote, demote, transfer, suspend, and discipline or discharge employees for just cause; to plan, direct, and control operations; to lay off employees because of lack of work or for other legitimate reasons; to introduce new or improved methods or facilities, provided, however, that all of the foregoing shall be subject to the provisions of this agreement, arbitration or Review Committee decisions, or letters of agreement, or memorandums of understanding clarifying or interpreting this Agreement."

Section 107.1 of the agreement provides:

"107.1 Company shall not by reason of the execution of this Agreement (1) abrogate or reduce the scope of any present plan or rule beneficial to employees, such as its vacation and sick leave policies or its retirement plan, or (2) reduce the wage rate of any employee covered hereby, or change the condition of employment of any such employee to his disadvantage. The foregoing limitation shall not limit Company in making a change in a condition of employment if

such change has been negotiated and agreed to by Company and Union."

Section 204.4 of the agreement provides:

"204.4 Upon agreement thereon by Company and Union, additional regular classifications, wages therefor, and normal lines of progression may be established, and the wages, duties and line of progression of any classification may be adjusted. Pending such agreement Company may establish temporary classifications and wages therefor, and temporarily adjust the wages and duties of any classification. Included within the provisions hereof are adjustments in the classifications of utilityman and combination man."

Statement of the Case

Effective September 8, 1978, the company issued Transmission and Distribution Bulletin No. 2-61, Rev. #1 (T & D Bulletin No. 2-61), providing a recommended procedure for the conversion of company-owned street lights to high-pressure sodium vapor and modifying the street light maintenance program during the course of the conversion. T & D Bulletin No. 2-61 provided for the replacing of luminaires on distribution wood poles by street light maintenance men and street light aerial lift trucks. The bulletin further provided that the replacing of luminaires on street light poles served from underground secondary systems and replacing luminaires on street light poles served from overhead secondary systems in back yard easements would be performed by linemen and apprentice linemen. The replacing of group-controlled luminaires on distribution or street light poles served either overhead or underground was to be performed by multiple crews as determined by the number of lights in the group. The company did

not bargain with the union prior to the issuance of T & D Bulletin No. 2-61.

The work in question involves changing voltage from 240 to 120, and working at the secondary level. Street light maintenance men did not change voltage before the project instituted under T & D Bulletin No. 2-61, a project which will continue for several years and is system-wide. Street light maintenance men work from a bucket. They are required to use a wrench on the nuts holding the electrolier in place, to tape the two hot wires, to disconnect one of the two hot wires attached to the three wire secondary (totalling 240 volts), to remove the luminaire, to replace it with the new sodium vapor unit, and to connect one of the hot wires to the neutral secondary wire. The new sodium vapor unit operates on 120 volts, while the old luminaire operated on 240 volts. Street light maintenance men are not required to work above the secondary line. The primary line which is normally seven feet or more above the secondary line, carries voltage running from 2500 to 12,000. The hot wires of the secondary line serving the street light fixture are covered, while the neutral wire is bare. The street light maintenance man can trace wires back to the transformer to determine the neutral wire or use a volt meter to identify the neutral wire. Street light maintenance men at times have been required to disconnect the hot connection at the secondary level in order to make necessary repairs.

Several hundred thousand luminaires will be changed

system-wide during the conversion program. Of the approximate nine thousand which have been changed during the eight months the conversion program has been in effect, the only reported injury was incurred by a lineman.

The agreed job definition of street light maintenance man as updated to February 1, 1978, (Exhibit VI-L, §600.12) provides:

"An employee who maintains street lights and electroliers, cleans and changes glassware, replaces lamps and defective parts, and performs other miscellaneous work on street lights and street light circuits. May work on street light circuits normally energized above 600 volts when such circuits are properly cleared and grounded."

The agreed job definition of lineman provides in part:

"An employee who is a journeyman and is engaged in performing all classes of overhead line work, of any voltage, and all classes of underground distribution system work except on 'Network' systems, utilizing nonlead cables rated 25 kv or less. He may be required to drive the truck and operate associated equipment as assigned. His background of apprenticeship and experience must be such as to qualify him to perform these duties with skill and efficiency."

The agreed apprentice lineman's job is defined:

"An employee engaged in performing Lineman's work as an assistant to, or under the general direction of, a journeyman. In order to gain experience for advancement to Lineman, he may work alone, or under indirect supervision on jobs for which he has been trained and instructed. He may be required to drive the truck and operate the associated equipment as assigned at not less than the starting rate of the T&D Driver. The employee's educational and general qualifications must be such that he is considered capable of attaining journeyman status. When working under the guidance and direction of a journeyman, and after one year's experience as an Apprentice Lineman, he may be required to work on live circuits of 600 volts or over."

There is evidence that street light maintenance men have been required to work on other than wood poles and to construct a street light on a pole. Street light maintenance men are not an apprenticed classification and receive on-the-job training with an experienced street light maintenance man. They are not given training except on the job in recognizing a neutral wire or in the use of a voltage meter or rubber protective devices, although the latter devices have been issued upon request. If a worker connects two hot wires he will burn the light and could receive a shock.

T & D drivers are in an equivalent classification with street light maintenance men and have been assigned to street light maintenance work with minimal instruction.

The truck normally used by street light maintenance men has a metal boom as contrasted to the fiber glass boom on the truck normally used by linemen. The street light maintenance truck is not suitable for working close to high voltage lines.

The work and procedures involved in the conversion were demonstrated at the hearing. There also was shown a General Electric Company film of the work involved in the conversion.

Performance requirements issued by the company for the street light maintenance man include under "major areas of responsibility" the "maintenance of street lights and electroliers" and "miscellaneous work". Associated tasks include: "replaces and repairs street light heads". Common tasks include:

"Proper grounding techniques and protective equipment are utilized when necessary while working on primary or secondary street light circuits (rubber gloves). Hard hat, glasses and leather gloves are worn when handling glass."

Lineman performance requirements in addition to the responsibilities of installing primary and secondary lines and related equipment, include "Street Light Installation" as follows:

- "1. Proper streetlight assembly in installed (type, length) maintaining correct ground clearance and clearances from other equipment and conductors.
- "2. Streetlight head is correctly positioned and photo-cell points in proper direction.
- "3. Pole is 'signed' with appropriate lighting information.

Positions of the Parties

The Union:

It is the union's position that the job in this major conversion program is linemen's work and is a change in the job definition of street light maintenance men in violation of Exhibit VI-L, and §§ 600.12 and 204.4 of the labor agreement which require bargaining with the union if job definitions are changed. Moreover, the company has unilaterally instituted its major areas of responsibility which set out the requirements for various jobs.

The work of changing the luminaires involves changing voltage from 240 to 120 at the secondary level. Street light maintenance men did not change voltage before this project was com-

menced. Voltage of 240 can cause a fatality and street light maintenance men are not properly trained as are linemen to work with voltages which may cause death or severe injury. Street light maintenance men have been required to work on other than wood poles contrary to T & D Bulletin No. 2-61. Street light maintenance men are also not trained to recognize the common neutral, to use a voltage meter, or to use rubber protective devices which are issued to linemen.

A knowledge of the dangers of electricity and the use of protective devices is necessary for safe working conditions, and street light maintenance men are not properly prepared to do the work which they are assigned in this conversion program. Normally, street light maintenance men change burnt light bulbs and broken glass reflectors, and do not change voltage by disconnecting wires and working on the secondary. The job definition authorizes this classification to work on street light circuits normally energized above 600 volts when such circuits are properly cleared and grounded.

If the unilateral statement by the company in its bulletin can be construed to justify the company's action in this case, then street light maintenance men could arguably be assigned to do any job at all.

Past practice is that the changing of voltage has always been considered linemen's work. There is a sound reason for this practice because of safety considerations. The changing of

voltage on street light luminaires must continue to be linemen's work.

The company should be ordered to cease and desist from its present policy and to pay street light maintenance men or upgraded T & D drivers who have had apprentice lineman's training linemen's wages for the time they have worked on the project.

The Company:

A lineman undergoes a formalized apprenticeship program which qualifies him to engage in performing all classes of overhead line work of any voltage and all classes of underground distribution work. A lineman receives a substantially higher rate of pay (\$462.35 a week compared with \$366.25 a week for street light maintenance men). This difference in compensation recognizes the journeyman skills of the lineman. A lineman may work either primary or secondary distribution voltages but the street light maintenance man is limited to one piece of electrical equipment and its connecting wires, and he does not climb poles or make underground connections.

The conversion program involves only elementary electrical and mechanical skills and knowledge. The work consists of applying a wrench to the nuts holding the electrolier in place, taping two hot wires inside the electrolier, reconnecting the wires to the replacement, and disconnecting one of the hot wires and moving it to the neutral secondary wire. The neutral wire is visibly identifiable and if there is a doubt, the street light maintenance man may use a volt meter. Heretofore, street light main-

tenance men have repaired street lights by disconnecting and re-connecting wires fashioned to the secondary.

The street light maintenance man is not prohibited by his job definition from working on the secondary. That job definition provides that he is primarily responsible for maintaining the street light system. The job definition must be construed in the light of its unequivocal provisions and the management rights provisions of the labor agreement.

The union has produced no tangible evidence that it is unsafe for lesser skilled workers to make the conversions involved here. Street light maintenance men are checked out by competent line supervisors before being assigned to work on their own. None of those assigned has received an injury in the course of the conversion. The negotiated line of progression to street light maintenance man makes it clear that that classification is competent to perform the work in question here. The grievance should not be sustained.

Discussion and Opinion

In approaching the problem presented, it must be borne in mind that there is an almost inevitable overlapping in trade classifications. The journeyman is capable of performing and often does perform work which may also be performed by the helper, apprentice, or a lower classification. There are, of course, some duties and functions which are exclusively assigned to the journeyman, but each job definition must be examined to determine whether the disputed work falls within the scope of the lower classifi-

cation even though it may also be included within the scope of the higher classification.

The street light maintenance man by agreed job definition "maintains street lights and electroliers, . . . replaces lamps and defective parts and performs miscellaneous work on street lights and street light circuits." He "may work on street light circuits normally energized above 600 volts when such circuits are properly cleared and grounded."

The essential controversy here is that in installing the sodium vapor lamp in place of the luminaire, the street light maintenance man reduces the voltage from 240 to 120. The procedures are described above. Prior to the conversion program, street light maintenance men have disconnected and reconnected wires fastened to the secondary in repairing a street light. More significantly, the job definition itself is broad enough to include the work here in question. The main thrust of the union's objections is that this conversion requires working with voltages of 240 and the change of the type of lamp. The job definition authorizes work on street light circuits above 600 volts when they are properly cleared and grounded. The program involves replacing one type of lamp with one of a lower voltage. The job definition also includes maintenance of street lights and electroliers and "miscellaneous work on street lights and street light circuits". By its nature a job definition must be stated in general terms. If the work in question falls within those terms, then the employees in that classification are the appropriate persons to perform the work even though the persons in that classifi-

cation have not in the past performed the exact type of work in question. The work here falls within the job definition because the street light maintenance man replaces lamps, is performing miscellaneous work on street lights and street light circuits and is doing a type of maintenance work.

By contrast the job qualifications of a lineman are substantially greater and of broader scope than those of a street light maintenance man. The performance requirements show that the lineman installs street lights and is responsible for "correct ground clearance and clearances from other equipment and conductors", a responsibility not imposed on the street light maintenance man in the conversion program. More importantly, street light installation is only a small part of the broad responsibilities of the lineman. The lineman tests, frames, sets and anchors poles. He strings lines, installs and replaces switches, hangs and energizes transformers, installs circuit protection equipment, replaces insulators, installs and replaces services and meters, does rigging, does tower and steel pole work and live line work, performs the many procedures of underground work and operates equipment, some of which, incidentally, is also operated by T & D drivers.

As stated above, the lineman is capable, and may be required at times, to do the work here under consideration. It does not follow that when a street light maintenance man does that work he is entitled to be classified and paid as a lineman.

The union asserts that in the past the changing of

voltage has been considered lineman's work. In the 1960's the company instituted the mercury vapor conversion program which involved taking down the complete fixture which fitted through a primary circuit on a series of street light circuits. A three-man crew, including a lineman, was assigned because the work involved high voltage of 2.4 kilovolts. Such work was of a different kind than the work here and required the training and skill of a lineman.

Street light maintenance men on occasions have removed a damaged electrolier and have had to replace the head. In doing so, they would remove the wires in the electrolier and reconnect to new wires and they would be working with hot wires totalling 240 volts. Such work is part of the maintenance of street lights and electroliers included in the job definition.

The union has emphasized the lack of training in working with the hot wires and the absence of rubber protective equipment. Such equipment should be provided but its absence does not call for upholding the grievance. On-the-job training is given in the procedures to do the conversion work. The job description and the outlined major areas of responsibility show that the street light maintenance man is not a novice with respect to street lights and their electrical components and connections. The work as shown on the film, as demonstrated at the hearing and as described does not appear to be so complicated or difficult that a person experienced in street light maintenance work could not learn to perform the procedures with safety in a relatively short time. A comparison of the hazards in maintenance work and the

conversion work would not be significant unless the hazards in the conversion work were so much greater that they indicated that the conversion work was outside the job definition. Nothing of that kind appears here.

The major areas of responsibilities of street light maintenance men as set forth by the company and T & D Bulletin No. 2-61 do not exceed the agreed job definition as they apply to the particular facts of this case.

Award

Pursuant to the agreement, the stipulations, the submission, and the evidence, the following award is issued:

The job assignments in each grievance (as identified in Review Committee files 1460, 1465, and 1470) were not in violation of the labor agreement.

BOARD OF ARBITRATION

~~Concur~~/Dissent

Lawrence N. Foss
Lawrence N. Foss

~~Concur~~/Dissent

Frank Saxsenmeier
Frank Saxsenmeier

Concur/~~Dissent~~

F. C. Buchholz
F. C. Buchholz

Concur/~~Dissent~~

P. E. Pettigrew
P. E. Pettigrew

Concur

Robert E. Burns
Robert E. Burns Chairman

Dated: July 7, 1980.