

REVIEW COMMITTEE**PG and E**

PACIFIC GAS AND ELECTRIC COMPANY
 245 MARKET STREET, ROOM 444
 SAN FRANCISCO, CALIFORNIA 94106
 (415) 781-4211, EXTENSION 1125

**CASE CLOSED
 LOGGED AND FILED**

ARB. 114

IBEW 

INTERNATIONAL BROTHERHOOD OF
 ELECTRICAL WORKERS, AFL-CIO
 LOCAL UNION 1245, I.B.E.W.
 P.O. BOX 4790
 WALNUT CREEK, CALIFORNIA 94596
 (415) 933-6060
 R.W. STALCUP, SECRETARY

D.J. BERGMAN, CHAIRMAN

REVIEW COMMITTEE DECISION

- DECISION
 LETTER DECISION
 PRE-REVIEW REFERRAL

San Joaquin Division Grievance No. 25-565-82-70
 Review Committee File No. 1564-83-17

Subject of the Grievance

This case concerns the bypass of a Serviceman to an Operator-in-Training classification.

Facts of the Case

On July 8, 1982, the San Joaquin Personnel Department received an approved requisition for the filling of a vacant OIT position in Bakersfield. The grievant, a Serviceman, had a valid transfer application on file and was the seventh applicant. On September 14, 1982, he was interviewed for the position and while he expressed an interest in filling the vacancy, no offer was made to him. Shortly after this interview, a decision was made by the Personnel Department to try to fill the vacancy with an industrially disabled employee. On December 8, 1982, the Personnel Department received information that the disabled employee physically could not perform all of the duties of the OIT classification. At this time, the decision was made to return to the original list of transfer applicants to fill the vacancy pursuant to Section 205.5(b) of the Agreement.

However, subsequent to the grievant's interview, he received a disciplinary letter dated November 4, 1982 for poor work performance including leaving a hazard. The letter also notified the grievant that he was considered to be under active counselling for a minimum of six months. For this reason, the grievant was not offered the OIT position. It was filled on December 27, 1982 by an employee junior to the grievant.

A review of the grievant's prior record revealed a number of counselling sessions during 1982 and a letter of reprimand dated March 8, 1982. All resulted from poor quality audits, and the letter resulted from leaving a hazard.

Discussion

During 1983 Negotiations, the parties agreed that this case would be withdrawn from arbitration and settled on the basis of the new language of Section 205.11 of the Agreement, notwithstanding the fact that the bypass was to a lower-paid classification.

Decision

In applying the language of Section 205.11, the Review Committee is in agreement that the grievant should be offered an OIT position in Bakersfield,

even though it is our understanding that the grievant was awarded an Apprentice Lineman job on June 17, 1983.

This case is considered closed on the basis of the foregoing.

FOR COMPANY:

L. C. Beanland
F. C. Buchholz
J. B. Stoutamore
D. J. Bergman

By 

Date 12-22-83

FOR UNION:

R. L. Choate
R. Friend
P. Nickeson
R. W. Stalcup

By 

Date 12/22/83