

REVIEW COMMITTEE**PG and E**

PACIFIC GAS AND ELECTRIC COMPANY
 245 MARKET STREET, ROOM 444
 SAN FRANCISCO, CALIFORNIA 94106
 (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) 933-6060
 R.W. STALCUP, SECRETARY

ARB. 115

D.J. BERGMAN, CHAIRMAN

REVIEW COMMITTEE DECISION

- DECISION
 LETTER DECISION
 PRE-REVIEW REFERRAL

San Joaquin Division Grievance No. 25-564-82-69
 Review Committee File No. 1554-83-7

Subject of the Grievance

This case concerns a two-day disciplinary layoff and a six-month preclusion from upgrade to Troubleman given to a Lineman as a result of a switching error.

Facts of the Case

The grievant, while temporarily upgraded to Troubleman, overheard on his truck radio a directive from the System Operator to another Troubleman to open a switch. The grievant took it upon himself to carry out this instruction even though it was not intended for him nor did he hear the switch number. He then opened a wrong switch causing a short outage to 277 customers. In addition, he failed to report the error.

The grievant had approximately four years of upgrade time to Troubleman, and his record is absent any other discipline since his employment in 1963. It was agreed at the Fact Finding step of the grievance procedure that the two days off were for just and sufficient cause.

Discussion

Effective January 1, 1984, the language of Section 205.11(a) of the Physical Agreement is amended to read:

Notwithstanding anything contained in this Title, Company may reject the bid of any employee who does not possess the knowledge, skill, efficiency, adaptability and physical ability required for the job on which the bid is made. Additionally, the bid of an employee to a classification having a higher maximum wage rate will (emphasis added) be rejected if the employee has been under active counselling for poor work performance during the previous 12 months. Active counselling for the purpose of this Section is considered to be: (1) Two or more separate instances in which the employee received disciplinary layoff without pay for poor work performance or (2) demotion for cause.

It is the Company's position that this language provides for the automatic bypass of an employee to a higher paid classification who has been under active counselling for the previous 12 months as defined in (1) and (2). However, in the Company's opinion, this does not mean that in disciplining an employee the Company is prevented from establishing a condition which suspends an employee's bidding or transfer rights for a specified period of time. Such action, of course, would be subject to the grievance procedure.

Decision

Consistent with Item 14 of the cover letter dated September 6, 1983 to the 1984 Agreement and giving consideration to the new language of Section 205.11(a), the Review Committee is in agreement that the grievant should not have been bypassed for temporary upgrades to Troubleman. He is to be compensated at the Troubleman rate for any days on or after November 1, 1982 when he would have been upgraded, less any days when he was not available. With respect to any entitlement to overtime missed in the Troubleman classification, this will be determined by the Local Investigating Committee. Any entitlement will depend on such factors as whether the grievant would have been temporarily upgraded to Troubleman and what the on-call or call-out procedure is for Troublemens in Merced.

This case is 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
R. Nickeson
R. W. Stalcup

By Date 12/22/83