

REVIEW COMMITTEE

PG and E

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L.N. FOSS, SECRETARY

DECISION
 LETTER DECISION
 PRE-REVIEW REFERRAL

General Construction Grievance Nos. 3-75-6/7/15/17/22/
25/50/86/92/94 & 102
P-RC 209, 210, 211, 212, 213, 214, 215, 216, 217,
218 & 219

March 31, 1976

MR. C. GORDON SPARROWE, Chairman
General Construction
Joint Grievance Committee

The above-subject grievances have been discussed by the Pre-Review Committee prior to their docketing on the agenda of the Review Committee and are being returned to the Joint Grievance Committee for further discussion and settlement. The grievances were referred to the Review Committee without signed Joint Statement of Facts, and until they are signed, the cases will not be accepted by the Review Committee. However, in reviewing the merits of the cases with the Local Investigating Committee members, the Pre-Review Committee has made recommendations for settlement based on the assumption that the Joint Statement of Facts in each case is accurate. The recommendations for settlement should be accepted unless the Joint Statement of Facts is inaccurate, in which case we would appreciate being so informed.

Grievance No. 3-75-6

The issue in dispute is one of the grievants working eight hours or more at the overtime rate during a 16-hour period immediately preceding the beginning of their regular work hours on a work day but were denied a rest period inasmuch as they were scheduled for vacation the next day. The Pre-Review Committee is in the opinion that for the purposes here vacation days with pay are "regular work days;" therefore, the grievants are entitled to the correction asked for.

Grievance No. 3-75-7

The Joint Statement of Facts lacks adequate information, and the Review Committee will need the employment dates of all the Working Foremen that were demoted and those that were retained in the classification in each appropriate Promotion-Demotion Geographic Area. Additionally, of those employees that were demoted, what jobs were they working on and, specifically, the employees they supervise and the amount of welding performed by each crew involved? With respect to the employees retained as Working Foremen, how much actual welding did they perform or supervise after the demotions up to their current jobs? After the information has been obtained and agreed to, the case should be reviewed by the Committee in an attempt to resolve the issue. If not, then the case should be returned to the Review Committee for settlement.

Grievance No. 3-75-15

The issue concerns the displacement of the grievant from Santa Rosa to McDonald Island. The grievant is alleging that a junior employee was still at Santa Rosa and had not been laid off subsequent to the grievant's move. He contends such a situation should entitle him to expenses even though, in the Department's opinion, the Foreman had erroneously given the junior employee five days' notice instead of being laid off at the time that the junior employee elected to be laid off. The Pre-Review Committee is of the opinion that the notice period, pursuant to Section 306.3 of the Physical Agreement, starts from the date an employee is notified of either a layoff or a move and is not changed by a subsequent action of another employee. Therefore, the grievant is not entitled to the correction asked for.

Grievance No. 3-75-17

In view of the settlement of Grievance No. 3-75-15 (Pre-Review Committee Case No. 209), the Pre-Review Committee agrees that the grievant was entitled to five days' notice of layoff even though the layoff was "voluntary."

Grievance No. 3-75-22

The issue in dispute is whether the grievants are entitled to double-time pursuant to Subsection 308.14(f) of the Agreement inasmuch as, they contend, they did not have eight hours off as required. The grievants are alleging that the rest period was interrupted by a phone call from the supervisor and the subsequent travel time. This issue has been resolved by the Review Committee in prior cases with similar circumstances on the basis that phone calls and travel time do not constitute an interruption in the rest period, and accordingly, the correction asked for is denied.

Grievance No. 3-75-25

The Joint Statement of Facts should be signed by the parties and returned to the Review Committee for settlement.

Grievance No. 3-75-50

The issue concerns the grievant being laid off by virtue of a reduction in work forces in his headquarters and could not be placed in another classification or department inasmuch as he is physically unqualified for placement. Inasmuch as it is the Department's position that the employee is physically disabled, the Department should put forth medical evidence of the grievant's disability, and if that is the case then the layoff was proper. If not, then the grievant should be placed into a classification pursuant to his contractual rights as outlined in Title 108 of the Agreement.

Grievance No. 3-75-86

The same information requested in Pre-Review Committee Case No. 210 (3-75-7) is needed in this case. After the information has been obtained and agreed to, the case should be reviewed by the Committee in an attempt to resolve the issue. If not, then the case should be returned to the Review Committee for settlement.

Grievance Nos. 3-75-92 and 102

The issue concerns the demotion of various Linemen due to their alleged lack of qualifications to perform journeyman work in overhead line work. This situation was created by a cutback in the underground work. There was an indication that some of the grievants either refused to climb or were not qualified to climb, which in effect would make them unqualified for the overhead line work. The Joint Grievance Committee should attempt to identify those employees, and once identified, they should be eliminated from the grievance. As to the remaining issue of retaining the grievants in the Lineman classification while training them for overhead line work, the negotiating parties are currently discussing this issue; and once the Joint Grievance Committee has agreed to a Joint Statement of Facts, the grievance should be returned to the Review Committee for settlement.

Grievance No. 3-75-94

The issue in dispute is whether the grievance was timely filed. The record indicates that it was not, and the Pre-Review Committee is in agreement to that effect. However, as to the issue in dispute, it appears that the grievant was placed in a job classification not represented by the bargaining unit; and if his physical condition was stationary and ratable with physical limitations, the grievant then at the time of the permanent rating was not entitled to process a grievance. If no decision has been reached relative to his disability, then he is still temporarily disabled and entitled to benefits as provided for in Title 108 of the Agreement.



L. V. BROWN, Chairman
Review Committee



L. N. FOSS, Secretary
Review Committee

DJBergman:rto

cc: CHSedam
IWBonbright
Personnel Managers