

PG and E

FOR INTRA - COMPANY USES

INDUSTRIAL RELATIONS

DIVISION OR DEPARTMENT GENERAL CONSTRUCTION
PERSONNEL DEPARTMENT

APR 26 1978

FILE NO.
RE LETTER OF
SUBJECT
Grievances 3-75-92 and 3-75-102
(P-RC Nos. 218 and 219)

IWB
KHA
DJB
LVB
MMC
PMH
PNL
RTO
RLS

RECEIVED MAY 12 1978

April 24, 1978

MR. L. V. BROWN:

Enclosed are a revised Joint Statement of Facts and attachments for Grievances 3-75-92 and 3-75-102. These Grievances originally were referred to the Review Committee on October 17, 1975 and November 21, 1975 respectively.

The Pre-Review Committee returned the cases to the General Construction Joint Grievance Committee on March 31, 1976 with certain requests. The enclosures are in compliance with these requests.

H. G. COOKE

DKLee (2011):eb

cc: RSBain
RIrons
WFunabiki
CGSparrowe
JWoodward

REVISED JOINT STATEMENT OF FACTS
GENERAL CONSTRUCTION GRIEVANCE
NOS. 3-75-92 and 102

These Grievances were filed on behalf of certain employees in the Underground Section of the Line Construction Department who were demoted from Lineman to Helper, or who were laid off for lack of work. The following employees named in the Grievances should be eliminated from these Grievances for the reasons specified:

- J. SMITH - Was not an Underground Lineman in 1975.
- S. MAAS - Was not an Underground Lineman when he was demoted on 10/06/75.

The remaining Grievants, who are listed in the attached detail, were demoted or laid off as a result of a cutback in Underground Line Construction work. Demotions and lay offs were effected on the basis of Company Service within the group of Underground Section Lineman.

Union Position:

The Grievants have been demoted or laid off while other employees with less Company Service have been retained in the Lineman classification. Company's decision to demote these Grievants was made at a supervisory level. None of the Grievants were asked if they felt they were qualified to perform overhead line work.

Company Position:

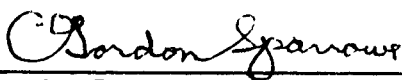
The Grievants were demoted because they are not qualified to perform journeyman Lineman duties in overhead work. Within the Underground Lineman group, demotions were in accordance with Title 306 of the Agreement. It cannot be determined at this time whether none of the Grievants were asked, at the time they were demoted, if they felt they were qualified for overhead work. Also, these other Grievants should be eliminated from the Grievances for the reasons specified:

Gr. 3-75-92:

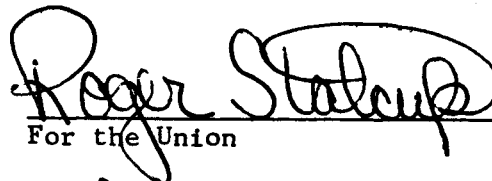
- B. R. DOMMES - Was not demoted to Helper until 10/01/75 (Grievance was filed on 09/15/75).
- J. M. LOWERS - Was not demoted to Helper until 09/19/75.
- C. A. PAYNE - See attached detail and correspondence.
- E. MARTINEZ - Was under a doctor's care for injury to his left knee at the time he was demoted to Helper.

Gr. 3-75-102:

- L. SMITH - Was not demoted to Helper until 01/05/76 (Grievance was filed on 10/20/75).



For the Company



For the Union

Apr. 17, 1978.

Date

April 18, 1978

Date

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.

March 31, 1976

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. W. BROWN, Chairman
Review Committee



L. N. FOSS, Secretary
Review Committee

DJBergman:rto

cc: CHSedam
IWBonbright
Personnel Managers