

REVIEW COMMITTEE

PG and E

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

D.J. BERGMAN, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

**CASE CLOSED
LOGGED AND FILED**

RECEIVED FEB 2 1 1980

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
L.N. FOSS, SECRETARY

East Bay Division Grievance No. 1-748-79-104
Fact Finding Committee No. 1292-79-233
p- RC 490
Placement of Groundman Into OIT Program

January 29, 1980

MR. T. C. PHEBUS, Company Member
East Bay Division
Local Investigating Committee

MR. V. STAMPS, Union Member
East Bay Division
Local Investigating Committee

The above-subject grievance has been discussed by the Pre-Review Committee prior to its docketing on the agenda of the Review Committee and is being returned, pursuant to Section I B(2) of the Review Committee procedure, to the Local Investigating Committee for settlement in accordance with the following:

This case involves the alleged denial of Section 112.10 entitlements of an employee, Lineman, who is no longer capable of climbing. On October 3, 1977, the grievant was removed from the Lineman position and placed in an Operator-In-Training position under the provisions of Subsection 205.5(a) of the Agreement. The grievant failed the Operator-In-Training Program, and on April 30, 1979, he was appointed to a Groundman vacancy in his headquarters under the provisions of the Operator-In-Training Agreement. The Union is claiming that the grievant has Section 112.10 rights as a non-climbing journeyman in the headquarters.

On review of all the evidence in this case, the Committee agrees that this grievance is untimely with respect to any denial of rights for the grievant under Section 112.10. For such grievance to have been timely filed, the grievant should have challenged his placement as an Operator-In-Training on October 3, 1977. The evidence presented indicates that the grievant accepted this appointment as an alternative to any entitlements he may have had as a non-climbing Lineman. In reviewing the placement of the grievant as an Operator-In-Training, however, the Committee notes that he was placed under the provisions of Subsection 205.5(a) of the Physical Agreement. While this is a proper use of this Section, the Committee does not believe that it was an appropriate one to be used in the grievant's case. The use of the Section precludes the grievant from any accelerated bidding rights back to Lineman should he overcome the

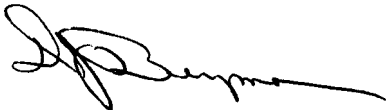
Messrs. T. C. Phebus
V. Stamps

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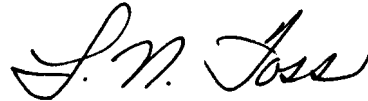
January 29, 1980

disability which now prevents him from climbing. As a result, the Committee agrees that appropriate records be changed to reflect that the grievant was placed as an Operator-In-Training on October 3, 1977, as a result of Section 206.15 of the Physical Agreement. On this basis then, the grievant will have accelerated rights under Section 206.9 to bid back to Lineman or Apprentice Lineman assuming that he meets the test of Section 205.11.

On this basis, this case is considered closed and the closure should be so noted by the Local Investigating Committee.



D. J. BERGMAN, Chairman
Review Committee



L. N. FOSS, Secretary
Review Committee

PEPettigrew(1123):rto

cc: GFClifton, Jr.
IWBonbright
LVBrown
FCBuchholz
JBStoutamore
RHCunningham
Personnel Managers