

REVIEW COMMITTEE**PG and E****IBEW** 

PACIFIC GAS AND ELECTRIC COMPANY
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 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

CASE CLOSED MAY 27 1981
LOGGED AND FILED

D.J. BERGMAN, CHAIRMAN

RECEIVED MAY 27 1981

- DECISION
 LETTER DECISION
 PRE-REVIEW REFERRAL

General Construction Grievance No. 3-792-80-77
 P-RC 606

May 26, 1981

MR. R. S. BAIN, Chairman
 General Construction
 Joint Grievance Committee

Statement of the Case

This grievance questions the grievant's bypass for Subforeman A on April 27, 1980.

Discussion

The Company and Union have negotiated a procedure for General Construction promotions and upgrades. The procedure requires that the employee complete an application designating the classification for which he wishes to be considered for, either a temporary or permanent upgrade. The application is filed with his exempt foreman who in turn indicates on the form whether or not the employee is presently qualified for either.

The record before the Pre-Review Committee contains two such applications from the grievant. The first, dated March 2, 1977, was signed by the grievant indicating he did not believe that he was qualified for either temporary or permanent upgrade from Lineman to Subforeman A, but desired the opportunity to become qualified. The second application was dated May 13, 1980, in which the grievant expressed the same interest but stated that he was now fully qualified. The exempt foreman indicated on the May 13 form that the employee was qualified at that time for the upgrade. This grievance, however, concerns the employee's entitlement to such an upgrade or promotion on April 27, 1980.

Company has no record of grievant having submitted a Temporary/Permanent Upgrade Form between the two forms dated March 2, 1977 and May 13, 1980. In his testimony to the Local Investigating Committee, grievant contended that he submitted an additional Temporary/Permanent Upgrade Form on which he indicated he was both interested in and qualified for upgrade to Subforeman A. However, grievant was unable to supply the Committee with his copy of the form.

May 26, 1981


In a discussion of the intent of the parties during the negotiations of the procedure in question, this Committee agreed it was at that time the Company's intent and subsequently has been the Company's practice to give to the employee a copy of the form after it has been filed with and commented on by the exempt supervisor. The purpose of providing the employee with a copy of the form is so that he has evidence of the submission of the form. This is done much the same as with transfer applications and prebids under Title 205 of the Agreement.

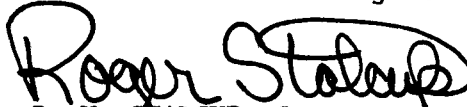
In a review of previous grievance settlements, this Committee noted that, under Title 205, where a dispute occurs as to whether or not an employee has a valid transfer or prebid on file when Company records do not indicate such, presentation of the employee's receipt is acceptable evidence that the required form was properly filed with Company.

This Committee concluded, after a review of the above and other information, that the parties' intent when the negotiated procedure for General Construction promotions and upgrades was agreed to that the return of a copy of the completed form to the employee was to provide him with a receipt. Should a dispute arise as to whether or not an employee has a form on file when Company is unable to locate such form, the employee's copy will be accepted as satisfactory evidence.

Decision

Because Company records did not show that grievant had a Temporary/Permanent Upgrade Form on file indicating he believed he was qualified for and interested in promotion to Subforeman A and because the grievant was unable to provide a copy of the form he stated he had previously submitted, this Committee is in agreement that a violation of the Agreement did not occur. This case is closed without adjustment.


D. J. BERGMAN, Chairman
Review Committee


R. W. STALCUP, Secretary
Review Committee

DJB:ml

cc: GSBates
MEBadella
LCBeanland
LBlandford
IWBonbright
LVBrown
FCBuchholz
JACates/DKLee
RHCunningham
NRFarley
CAMiller
JBStoutamore
WKSnyder
CPTaylor
RCTaylor
Division Personnel Managers