

REVIEW COMMITTEE

102.3 P
306.3 P

PG and E

IBEW

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

CASE CLOSED LOGGED AND FILED

JUN 19 1981

D.J. BERGMAN, CHAIRMAN

General Construction Grievance No. 3-848-80-133
P-RC 627

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

June 19, 1981

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

Statement of the Case

The grievant, a former Line Truck Driver, General Construction Department, filed a grievance on August 27, 1980 which was acknowledged by the Department on September 2, 1980. The grievance alleges that, on or about April 5, 1976, the grievant was improperly "laid off" for lack of work. The correction sought is that the grievant be reinstated in his former classification and headquarters with backpay and benefits from April 4, 1976.

Discussion

A review of the facts underlying the grievance indicates that the grievant alleged an industrial accident prior to his layoff that precluded his employment as a Line Truck Driver, General Construction Department. The record further notes that the grievant entered into a stipulation and settlement between Company and his attorneys that resulted in a final and binding Award, subsequently adopted by the State Worker's Compensation Bureau. The 1976 Award provided for damages and remuneration to the grievant as a result of the termination of his employment.

The case before the Pre-Review Committee concerns the propriety of the Department refusing to accept the grievance on the basis that it was untimely filed. In reviewing Title 102 of the Agreement, the Pre-Review Committee agrees that Section 102.3 is clear. For this Committee to accept a grievance that is 4 years old would be improper and inconsistent with the terms of the Labor Agreement except as provided for in Section 102.3(a)(2).

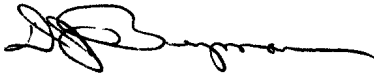
The grievant was fully informed as to the reason for his separation from the Company's payroll, that is, that there was no work available within his physical qualifications. If the grievant had reason to believe that the reasons set forth at that time were inaccurate or incorrect, his recourse was to file a grievance within the time limits expressed; he did not. Therefore, the initial reason for

declining to accept the grievance or to pursue it further under the provisions of Title 102, was correct.

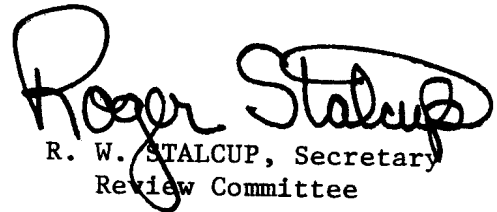
Even assuming, for the purpose of argument only, that the grievant later discovered that the reasons for denying him employment were inaccurate, still the grievant has not to this date come forward with a substantial reason why his physical limitation would entitle him to employment subsequent to April 5, 1976. Indeed, all of the information available to this Committee indicates that he was not qualified to perform his occupation as a Line Truck Driver nor does the current information indicate that he is presently so qualified.

Decision

It is the decision of the Pre-Review Committee that the grievance was untimely filed, and the case is considered closed.



D. J. BERGMAN, Chairman
Review Committee



R. W. STALCUP, Secretary
Review Committee

DJB:ml/RWS:rlm

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