

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
 LOGGED AND FILED**

D.J. BERGMAN, CHAIRMAN

SEP 23 1982

- DECISION
 LETTER DECISION
 PRE-REVIEW REFERRAL

Stockton Division Grievance No. 16-178-81-17
 P-RC 708

MR. D. G. COLLINS, Company Member
 Stockton Division
 Local Investigating Committee

MR. M. HARRINGTON, Union Member
 Stockton 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 Step Five A(ii) of the grievance procedure, to the Local Investigating Committee for settlement in accordance with the following:

This grievance concerns the bypass of a Helper in the Water Department in Stockton on a Water Systems Repairman, Water Collection, in Tiger Creek. The grievant was bypassed under the provisions of Section 205.11 of the Physical Agreement for failing to successfully complete the Arithmetic Computation Test. The grievance was amended in the Local Investigating Committee to include others noted in the July 20, 1981 bypass letter.

The grievants were bypassed in accordance with the provisions of the Agreement dated August 24, 1979 for the Water Department Training Program. The Agreement requires successful completion of the ACT to be entitled for consideration to appointment to Water Systems Repairman and Water Serviceman. The Union contended in the Local Investigating Committee that the ACT was to be a requirement only after such time as the Water Department Training Program was developed and implemented. At the time of the bypass in this grievance, the parties were still in the process of negotiating the training program.

This Committee reviewed Company-Union Letter Agreement 79-100-PGE, dated August 29, 1979, and the cover letter attached by Union at the time it was signed. That cover letter stated that the Letter Agreement was being signed by Union with the understanding that several conditions were mutually agreed to with respect to the Water Department Training Program. However, deferral of the ACT as a requirement to enter the Water Systems Repairman classification was not one of the items addressed.

The Committee was informed, during its deliberations, that many Water Systems Repairmen, awarded jobs after August 29, 1979, had not passed the ACT. The Committee then surveyed the Divisions and found the following:

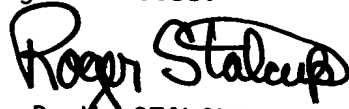
of the 17 employees who were classified as WSR on or after August 29, 1979, three had been reclassified from Heavy Tractor Driver or Heavy Truck Driver to WSR without regard to the ACT as was provided for at the time negotiations concluded on August 29, 1979. Of the remaining 14 employees, two had voluntarily demoted from Water Service Subforeman to WSR. This Committee has agreed that the ACT is not required under these circumstances. Of the remaining 12 employees, 10 had taken and passed the ACT prior to their appointment to the WSR classification. Of the remaining two employees, one took and failed the ACT in February, 1982 but was nevertheless awarded the WSR job on April 12, 1982 and the other employee has no record of ever taking the ACT, but was awarded the WSR job on June 2, 1980.

The Committee further noted that all of the grievants in this case were notified by letter, subsequent to their filing a prebid to the Water Systems Repairman classification but prior to the date of the bypass that is the subject of this grievance, that the ACT is a requirement for promotion. None of the grievants attempted to pass the ACT prior to the award of the job in question.

On the basis of the information obtained by the survey, the Committee concludes that, with the exception of the two instances noted, Company has consistently applied the ACT requirement subsequent to the August 29, 1979 Letter Agreement. Recognizing that the above information has been obtained long after the fact, the two jobs awarded to those who failed or did not take the ACT will not be vacated and such awards will stand.

On the basis of the above, this Committee is of the opinion that the parties did not agree to waive the ACT requirement for entry into the Water Systems Repairman classification until such time as the training program is in place. This case is considered closed on the basis of the foregoing, and the closure should be so noted by the Local Investigating Committee.


D. J. BERGMAN, Chairman
Review Committee


R. W. STALCUP, Secretary
Review Committee

PEPettigrew(1123):m1/RWStalcup:r1m

cc: CRMartin
LCBeanland
IWBonbright
FCBuchholz
GClerk
RHCunningham
NRFarley
DAOkabayashi
TCPhebus
WKSnyder
JBStoutamore
CPTaylor
CEWelte
Division Personnel Managers