

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

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

CASE CLOSED JUN 29 1982
LOGGED AND FILED

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

D.J. BERGMAN, CHAIRMAN

RECEIVED JUN 28 1982

- DECISION
 LETTER DECISION
 PRE-REVIEW REFERRAL

General Construction Grievance No. 3-1020-81-124
 P-RC 767

June 25, 1982

MR. R. S. BAIN, Chairman
 General Construction
 Joint Grievance 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(i) of the grievance procedure, to the Joint Grievance Committee for settlement in accordance with the following:

The issue in dispute concerns the improper demotion of the grievant (who is currently a Painter in the Line Construction Department) from MEOB to Helper while employees with less Company seniority retained their MEOB rates. This case is somewhat unique in that the time involved is some two years ago. While working in the Gas Department at Davis, the grievant was notified that a layoff for lack of work was occurring and that he could take a layoff or displace a Helper at Davis. He elected to displace the Helper, effective January 22, 1980. A few days later the grievant was given the option, under Title 306, of displacing a Helper in San Jose or taking a layoff. This time the grievant elected layoff, effective January 25, 1980. He was later rehired on June 5, 1980 as a Helper in the Gas Department. The Joint Statement of Facts indicates that some time in September or October of 1981, the grievant became aware that other employees holding MEOB classifications during the period in question were retained in their MEOB classifications although they were junior in seniority to the grievant. A grievance was then filed in November of 1981 alleging that an improper demotion had taken place, and the grievant had just become aware of the action. In reviewing this case, the Pre-Review Committee realizes that the Local Investigating Committee had a very difficult time in determining the facts of the case and in particular whether the grievance was timely filed. Further, the Joint Statement of Facts indicates that no demotion and layoff questionnaire was retained relative to the grievant's demotion, which puts the Pre-Review Committee in the very difficult position of determining what actually happened in 1980. The facts, however, are clear that the grievant was not the employee in the MEOB classification with the least seniority in the system on January 22, 1980. The grievant states that he asked his supervisor if there was any junior employee whom he could displace and was told there was none. He then signed the demotion and layoff questionnaire, indicating his election to be demoted to Helper. When asked, the supervisor stated he did not remember the circumstances under which

June 25, 1982

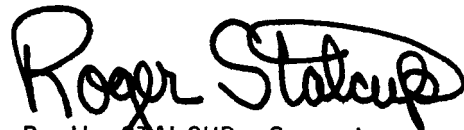
the grievant was demoted from MEOB to Helper. Because the demotion and layoff questionnaire was not retained in the Company file and because the grievant did not provide a copy of the questionnaire, there is no way to determine what options actually were offered to, or selected by, the grievant.

In view of the circumstances surrounding this case and specifically the lack of a clear record as to what actually happened in January, 1980, the Pre-Review Committee is of the opinion that an equity settlement is in order; and to that end, agree that the grievant is entitled to some form of monetary reimbursement. Therefore, the grievant will be paid the sum equal to one half of the MEOB rate for the period commencing on January 22, 1980 and ending on June 5, 1980.

This case is considered closed on the basis of the foregoing and the adjustments provided herein, and the closure should be so noted in the minutes of your next Joint Grievance Committee meeting.



D. J. BERGMAN, Chairman
Review Committee



R. W. STALCUP, Secretary
Review Committee

DJB:m1/RWS:rlm

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