

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

PACIFIC GAS AND ELECTRIC COMPANY
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(415) 781-4211, EXTENSION 1125

CASE CLOSED DEC 16 1983
LOGGED AND FILED

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W.
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R.W. STALCUP, SECRETARY

D.J. BERGMAN, CHAIRMAN

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- DECISION
 LETTER DECISION
 PRE-REVIEW REFERRAL

General Construction Grievance No. 3-1174-83-17
P-RC 863

December 14, 1983

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

MR. BOB CALLENDER, Chairman
General Construction
Joint Grievance Committee

Background

The Station Construction Department occasionally assigns portions of its power plant welding work to the Gas Construction Department. During the performance of such work, Gas Construction Arc Welders and Station and Gas Construction journeyman Welders often are assigned identical welding duties. (Station Construction has had no employees in the Arc Welder classification for several years.) The Arc Welder pay rate is less than the Welder pay rate.

The Union grieved this apparent inequity on January 22, 1982. The grievance (No. 3-1047-82-6) alleged that, "Company is requiring Arc Welders to do Certified Welders' work. In all other departments in General Construction, the Company pays higher wages and rate for performing such work." The correction asked for was, "That the Company upgrade Arc Welders to Combination Welders..." The Local Investigating Committee eventually resolved the grievance as follows:

"Company and Union members are in agreement that while the Arc Welders are working in Power Plants and performing work where the Station Construction Department would require a Welder, the Gas Construction Arc Welder will be upgraded to Welder. A Letter of Agreement will need to be executed to exempt the 20-day rule under Title 305.4 of the Agreement. The case is closed on this basis." (Emphasis added.)

On June 30, 1982, a letter agreement, reading as follows, was executed:

"Pursuant to Section 304.4 of the Physical Agreement and Local Investigating Committee settlement of Grievance No. 3-1047-82-6, and without reference to Section 305.4, Company proposes to temporarily upgrade Arc Welders in the Gas Construction Department to the Welder classification whenever said Arc Welders perform steam power plant work which Station Construction normally assigns to Welders. These upgrades will be terminated when said Arc Welders are removed from the above described work." (Emphasis added.)

Facts of the Case

On December 13, 1982, the Gas Construction Department at Pittsburg Power Plant was assigned welding work by the Station Construction Department. The assigned work involved construction of a low-pressure pipeline in the power plant. The Gas Arc Welders who were assigned to the work were required to "fill and cap," but were not required to do any fitting. They were not upgraded to Welder while performing this work.

The grievance which is the subject of this case alleges that Company's refusal to upgrade these Arc Welders violated the language and intent of the June 30, 1982 letter agreement.

The Gas General Foreman in charge of the work in question told the Local Investigating Committee that, since the work did not involve high pressure piping, A.S.M.E. certification was not required; that his interpretation of the June 30, 1982 letter agreement is that it calls for upgrade of Arc Welders only when they are performing power plant welding which requires such certification; that the work in question could be properly performed by Arc Welders.

Discussion

The Company stated that the intent of the June 30, 1982 letter agreement was simply to permit extended temporary upgrades of Gas Construction Arc Welders when they perform power plant welding which Station Construction would require Welders to perform, such as A.S.M.E. certified welding work; that the grievance issue of Grievance No. 82-6 (Company requiring Arc Welders to perform certified welding work) and the settlement of that grievance clearly established this intent; that it was never intended that Arc Welders be upgraded when they perform work which can properly be assigned to employees in the Arc Welder classification.

The Union maintained that the June 30, 1982 letter agreement clearly provides that Arc Welders must be upgraded any time they perform power plant work which Station Construction normally assigns to Welders.

The Pre-Review Committee members noted the obvious discrepancies between the grievance issue of Grievance No. 82-6, the settlement of that grievance, and the resultant letter agreement. The Committee agrees that the letter agreement, standing by itself, supports the Union's position. However, if considered along with the grievance issue of Grievance 82-6 and its settlement, a different view of the letter's intent must prevail, and Company's position must be upheld.

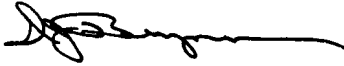
Decision

As an equity settlement, the Pre-Review Committee has agreed to interpret the intent of the June 30, 1982 letter agreement precisely as written, until November 1, 1983. That is, the Union's position is upheld until that date, and (until November 1, 1983) all Arc Welders performing "steam power plant work which Station Construction normally assigns to Welders" shall be upgraded to the Welder classification during the time they perform such work. The grievants in this case will be upgraded in accordance with the foregoing, and employees who performed similar work subsequent to the filing of this grievance shall also be so upgraded.

Beginning November 1, 1983 and thereafter, the June 30, 1982 letter agreement will be interpreted in accordance with Company's position. That is, that Arc Welders performing power plant welding work will be upgraded to Welder only when they are performing work which requires a journeyman Welder.

The Committee recommends that the subject letter agreement be superseded by another letter which reflects the foregoing.

Case closed on this basis.



D. J. BERGMAN, Chairman
Review Committee



R. W. STALCUP, Secretary
Review Committee

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