

REVIEW COMMITTEE

205.11 P
612.4 P

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IBEW 

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

APR 1 1985

**CASE CLOSED
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 MAR 29 1985

DECISION
 LETTER DECISION
 PRE-REVIEW REFERRAL
San Joaquin Division Grievance No. 25-655-83-89
P-RC 966

March 28, 1985

MR. D. S. SOLBERG, Company Member
San Joaquin Division
Local Investigating Committee

MR. F. HUTCHINS, Union Member
San Joaquin 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:

Facts of the Case

On October 24, 1983, Company filled an Electrical Machinist position at Helms Creek Power House by appointing an Electrician from the General Construction Line Department pursuant to Section 205.13 of the Physical Agreement. Since there were no qualified prebidders, the Company posted the position on the August 1, 1983 postbid bulletin and had received a list of bidders on August 23, 1983. None of the post bidders were qualified for the position and, therefore, pursuant to Subsection 205.11(a), Company posted that there were no qualified bidders. It was then filled pursuant to Section 205.13 by appointment. The Union grieved believing that several of the post bidders were qualified to perform the duties, and the job should have been awarded to the senior qualified post bidder.

The Committee reviewed the history of the Electrical Machinist (1139) classification at Helms and determined that the job was established by letter agreement on July 31, 1981. The first two Electrical Machinist positions at Helms were filled on October 1, 1981 pursuant to Section 205.7(b). The successful bidders to the positions were both Electrical Machinist (1140) employees from the Hydro Department in Fresno. The Electrical Machinist position established at Helms (1139) differed from the (1140) Electrical Machinist, in that the Helms position required the employee to be a resident and be required to have the knowledge and capability of performing normal and emergency operating functions at the Helms project. The letter agreement also provided that the successful and otherwise qualified bidders to (1139) Electrical Machinist (Helms) will be given appropriate training to enable them to perform the operating duties at Helms, including passing of the Electric Switchman Training Program and participation in the System Operator School (simulator) at Emeryville.

March 28, 1985

The Committee then determined that one of the two Electrical Machinist positions was vacated and subsequently filled with a General Construction Inspector B on August 22, 1983, pursuant to Section 205.13, after the Company posted the position and determined that there were no qualified bidders. The filling of that job was not grieved by the Union. The most recent filling of the other Electrical Machinist position occurred on October 24, 1983, and again the Committee agreed that the Company followed the provisions of Title 205 in attempting to find qualified bidders and was unsuccessful. Therefore, the position was filled pursuant to Section 205.13 by appointment of a General Construction Electrician.

The Union's position in this case was that since all of the post bidders fell into Priority D; i.e., out of the line of progression, it was incumbent on the Company to establish a job specification and/or administer a test to determine qualifications and award the job to the most senior, most qualified employee.

The Company responded that the bidders were interviewed, and it was determined that they were not qualified for this journeyman vacancy. Further, the parties have negotiated specific classifications which are next lower or same or higher to each bargaining unit classification. In some instances, especially with journeyman vacancies, if there are no Priority C post bidders, then the vacancy is posted as No Qualified Bidders. Then a Section 205.13 appointment is made by selecting a candidate from the list of bidders, another interested employee, or a new hire. The Committee agrees that when there are no qualified bidders, Company has the absolute discretion for making a final appointment so long as an offer has been extended and accepted before three months have expired from the date of posting the vacancy. To award journeyman vacancies to other than 205.7(a) or (c) post bidders, undermines the need for the apprenticeship programs. However, the Committee recognizes that there may be instances where such awards would be appropriate. The Company also referenced P-RC 502.


A possible exception to the foregoing could be an employee who presently holds a classification out of the line of progression to a journeyman vacancy--a D post bidder--who previously held the journeyman classification. Such an individual may be qualified to be awarded the job pursuant to Section 205.7(d).

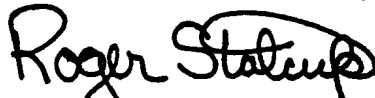
In this case, six employees submitted postbids on the Helms Electrical Machinist job vacancy, which was posted August 1, 1983. Notification of bypass was forwarded to the area Business Representative on October 30, 1983. Between the time bids were received and Union was notified of the bypass, five of the six bidders (all of whom were Traveling Machinist or Apprentice Traveling Machinist) were interviewed by the Helms Acting Supervisor of Generation. The supervisor obtained Job/Bid Transfer Application Questionnaires on each bidder in order to determine the background and experience of each employee. The supervisor concluded from his review of the questionnaires and from the interviews that none of the bidders were qualified. None of the bidders had hyrdo powerhouse experience or electrical experience and none had completed the Apprentice Program for Electrical Machinist.

After exhaustive review of the facts of this case, the Committee agreed that none of the bidders were qualified and were properly bypassed pursuant to Section 205.11 of the Agreement.

Decision

Based upon the foregoing, the Committee agrees that there has been no violation of the Agreement and, therefore, this case is settled without adjustment. Such closure should be so noted by the Local Investigating Committee.


D. J. BERGMAN, Chairman
Review Committee


R. W. STALCUP, Secretary
Review Committee

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