

REVIEW COMMITTEE

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

CASE CLOSED
LOGGED AND FILED

AUG 8 1985

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 AUG 7 1985

San Francisco Division Grievance No. 2-990-84-90
P-RC 989

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

August 7, 1985

MR. K. H. ANDERSON, Company Member
San Francisco Division
Local Investigating Committee

Mr. J. VALENTINO, Union Member
San Francisco Division
Local Investigating Committee

The above-subject grievance has been discussed by the Pre-Review Committee prior to its docketing in the agenda of the Review Committee and is being returned, pursuant to Step Five A(i) of the grievance procedure, to the Local Investigating Committee for settlement in accordance with the following:

Discussion

The simple issue in this case is whether the timeliness of a grievance is measured by the postmark date if sent through U.S. mail, or the date received in the Personnel Office.

The grievant was allegedly improperly bypassed for emergency overtime on May 11, 1984. On June 15, 1984, the Division received a grievance on the bypass postmarked June 11, 1984. The Division refused to process the grievance contending it was untimely based on the date received in the Personnel Office. The current grievance was filed over Company's refusal to process the bypass grievance.

In discussion of this case, the Committee reviewed Pre-Review Committee Decision Nos. 347, 348, 349, and 350. These cases dealt with the timeliness issue for General Construction. The decision read, in part:

"Historically, the time limits are calculated from the date of the action complained of to the date the written grievance is received by the Personnel Department. While the system has worked well in the Divisions, there has been a continuing controversy in General Construction as to which should apply."

In order to determine what the current practices are, the Regions were surveyed. In most areas, grievances are hand delivered by the Business Representative. However, when grievances were mailed, the consensus, while not unanimous, was that the postmark date was used to determine timeliness.

The Committee also considered that the general legal rule for timeliness issues in the serving of documents provides for the date of mailing to be the controlling date.

Decision

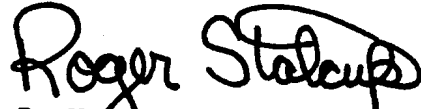
Following discussion, the Committee agreed that the timeliness of a grievance will be determined by the postmark date or the Post Office receipt date for certified mail. If the postmark date is not legible, the grievance is sent through Company mail, or if the grievance is hand delivered, the date received in the Personnel Office will be the governing date.

The grievance at hand will be returned to the Local Investigating Committee to determine whether the grievant's date of awareness of the alleged improper bypass was within 30 days of the postmark date of June 11, 1984. If it was, the bypass grievance will be processed by the parties.

Based on the foregoing, this case is considered closed and should be so noted by the Local Investigating Committee.



D. J. BERGMAN, Chairman
Review Committee



R. W. STALCUP, Secretary
Review Committee

RRD:sc