

REVIEW COMMITTEE**PG and E**PACIFIC GAS AND ELECTRIC COMPANY
245 MARKET STREET, ROOM 444
SAN FRANCISCO, CALIFORNIA 94106
(415) 781-4211, EXTENSION 1125**IBEW****CASE CLOSED
LOGGED AND FILED**

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INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W.
P.O. BOX 4790
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(415) 933-6060

D.J. BERGMAN, CHAIRMAN

General Construction Grievance No. 3-1450-85-84
P-RC 1086

R.W. STALCUP, SECRETARY

- DECISION
 LETTER DECISION
 PRE-REVIEW REFERRAL

December 17, 1987

PHIL G. DAMASK, Chairman
General Construction
Local Investigating CommitteeBARRY J. HUMPHREY, Chairman
General Construction
Local Investigating CommitteeSubject of the Grievance

Demotion of Carpenter B from Carpenter A after being upgraded 21 consecutive workdays.

Facts of the Case

On July 8, 1985, the grievant was temporarily upgraded to Carpenter A through August 5, 1985, and was subsequently demoted to Carpenter B on August 6, 1985. The Company cited various reasons why the grievant was broken back such as, grievant was not fully qualified to make Carpenter A, type of work did not require a Carpenter A and grievant was upgraded in error. Grievant was not the least senior Carpenter A when he was demoted back. At the time the grievant was promoted, his regular exempt foreman was on vacation and a weekly foreman was temporarily upgraded to the monthly supervisor's job.

Grievant was building vault lids, rebuilding supports, platforms and repairing underground electric vaults.

The grievant was utilizing sketches from the Book of Standards in performing his work with regard to the electric vault repair. In addition, the grievant stated that during this time and following the demotion he was constructing meter boxes which he believed were within the Carpenter A definition concerning cabinets.

The grievant's supervisors testified that they did not believe the electric vault lid repair and meter boxes were Carpenter A work. However, the grievant's testimony that he was using drawings or sketches was unrefuted. Moreover, the sketches used in the field for the electric vaults came directly from the Book of Standards since it was not a practice to take the book into the field.

Discussion

The Committee discussed this case at length and twice requested the LIC provided additional information. The Committee was faced with a contractual interpretation with regard to the grievant's job duties in reference to the definitions in Exhibit X for Carpenters A and B. Further, the Committee was faced with the demotion issue.

The Carpenter A definition provides: "When working from drawings or plans to construct building, cabinet work and intricate form work, also high trestle work."

The Carpenter B definition provides: "When performing ordinary or finish work but does not lay out from drawings or plans."

The Company member stated that historically, when a carpenter would use a sketch it would not necessarily be Carpenter A work. The level of carpenter work depended on its complexity per the definition and also the capabilities of the individual. Just because an individual used a drawing or sketch did not make them a Carpenter A. The Company further noted that no evidence or testimony was provided to clearly determine that, in this case, the grievant was performing intricate form work per the definition. A definition of intricate form work was not agreed on.

With regard to the demotion issue, the Company maintained that since the grievant's regular supervisor had been on vacation for a major portion of the upgrade, on his return, the supervisor was unaware of the exact date the grievant would reach the 21 days upgrade date. Furthermore, the Company noted that the grievant had been "temped" to Carpenter A in the past. The Company decided to demote for those reasons mentioned in the first part of the Facts section.

The Union maintained that any reasonable interpretation of the Carpenter A definition would result in the grievant's disputed work being considered as Carpenter A notwithstanding the department's alleged past practice. The form work with regard to vault repair requires following detailed drawings and is anything but ordinary. Also, Union stated that the demotion was improper since there was no evidence of lack of work and that a less senior Carpenter A was in the same promotion-demotion area at the time of demotion.

Decision

The Committee agreed that the demotion was inappropriate since the grievant was not the least senior employee at that location and because the grievant was upgraded over 20 days per Section 305.4(c). The Committee agreed that the grievant be reinstated to Carpenter A effective August 6, 1985 through July 13, 1986, the latter being the date the less senior Carpenter A was transferred out of the area.

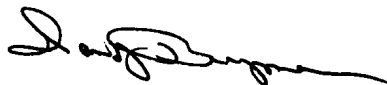
December 17, 1987

The issue of whether the grievant was performing Carpenter A work from July 14, 1986 though the date the Local Investigating Committee reconvenes, investigates and reaches a determination is referred back to the Local Investigating Committee for resolution. If the Local Investigating Committee finds that the grievant was performing Carpenter A duties for any period in excess of 20 consecutive workdays between July 14, 1986 and the date the Local Investigating Committee reconvenes, the grievant will receive the rate in accordance with Titles 304 and 305.

Also, the grievant would have accelerated rights to the Carpenter A position as of the date of this decision and such agreement with regard to the accelerated right is without prejudice to either parties position.

With regard to determination of Carpenter A versus Carpenter B work, Committee further agreed that, consistent with the intent of the Carpenter A definition, work which requires the employee to utilize plans or drawings to construct building, cabinet work and intricate form work, also high trestle work shall be Carpenter A work. The Committee recommends that the meter enclosure work which was also in dispute be determined by the aforementioned definition. For example, if a carpenter constructs or designs such meter enclosures from scratch either using plans or drawings, it would most likely would be Carpenter A work. Conversely, should a prefab meter enclosure be installed, the work would most likely be Carpenter B or C.

Based on the foregoing, this case is closed on this basis, and such closure should be noted in the Joint Grievance Committee minutes.



DAVID J. BERGMAN, Chairman
Review Committee



ROGER W. STALCUP, Secretary
Review Committee

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