

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

D.J. BERGMAN, CHAIRMAN

- DECISION
 LETTER DECISION
 PRE-REVIEW REFERRAL

IBEW 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**CASE CLOSED
LOGGED AND FILED**

AUG 1 8 1987

RECEIVED AUG 1 0 1987Coast Valleys Division Grievance No. 18-949-85-20
P-RC 1129

August 7, 1987

MARK ALDERSON, Company Member
Coast Valleys Division
Local Investigating CommitteeKENNETH L. BALL, Union Member
Coast Valleys 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 5A(v) of the grievance procedure, to the Local Investigating Committee for settlement in accordance with the following:

Subject of the Grievance

This case concerns the requirement that Salinas Substation Maintenance employees must be clean shaven when working at Moss Landing Power Plant.

Facts of the Case

In December of 1985, the Salinas Substation Maintenance Department was involved in overhauling the 500 kv transformer on Unit 7 at Moss Landing Power Plant. The transformer is located immediately adjacent to the plant. Approximately one week into the scheduled two months' temporary assignment, the employees were informed that a plant policy regarding beards was to be enforced and those with beards must shave or be pulled off the project. The grievant declined to shave and was reassigned to Salinas. The policy related to respiratory protection and the use of full face masks.

According to the testimony at the Local Investigating Committee, Substation employees who remained on the project were not offered the masks or training in the use of respirators. The Substation General Foreman testified that fitting and training was not provided because the work site was outside the plant and isolated from an environment requiring respiratory protection.

August 7, 1987

Discussion

In discussion of this case, the Committee reviewed Health and Safety Committee Grievance No. 86-1 and Redwood Region Grievance No. 4-1358-86-91, which was discussed in the Resume of the Quarterly Health and Safety Meeting dated February 18, 1987. Both grievances addressed this issue of respirators. It is the understanding of the parties that Company has the burden of proof to show that an area designated for respirators is an appropriate area and that respirators would be required under General Industry Safety Order 5144. Once that burden is met, any employee, including Region employees, that the Steam Department believes it is necessary to fit and train in the use of respirators must maintain a clean shaven facial area, except for a mustache and/or sideburns that cannot interfere with the seal area. Company does have the responsibility to ensure that respirator training is conducted and a proper fit is made and maintained. In the case of employees not regularly headquartered at a location requiring the use of respirators, the clean shaven requirement need be met only when assigned to work at that location, not at all times.

Decision

In the case at hand, it appears that Company did not meet the burden of demonstrating that the area in which the Substation employees were working would require respirators under General Industry Safety Order 5144. Therefore, the employees should not have been required to shave. The issue of liability, if any exists, is remanded to the Local Investigating Committee for resolution as the Pre-Review Committee was not provided with any facts or positions on this issue. If the Local Investigating Committee is unable to resolve this issue, the Pre-Review Committee retains jurisdiction.

On this basis, this case is considered close.


DAVID J. BERGMAN, Chairman
Review Committee


ROGER W. STALCUP, Secretary
Review Committee

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