

## 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

18.11 Clerical  
18.20 Clerical  
205.11 Physical  
205.22 Physical

**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**

**RECEIVED SEP 24 1987**

September 22, 1987

Vice Chairman Grievance No. 22-541-86-34  
President-Human Resources Grievance Nos. 41-42-86-10  
thru 41-52-86-20  
P-RC 1203

M. STORME SMITHERS, Company Member  
Vice Chairman Department  
Local Investigating Committee

GWEN WYNN, Union Member  
Vice Chairman Department  
Local Investigating Committee

M. SUSAN HURST, Company Member  
President-Human Resources Department  
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 Grievances

These cases concern Company's failure to convert certain agency employees to PGandE status following the decision in Arbitration Case No. 128.

### Facts of the Cases

Union grieved on behalf of twelve agency employees who scored between 121 and 220 on the Clerical Test Battery (CTB). Passing the CTB was agreed by the parties to be a prerequisite for conversion to PGandE status in Letter Agreement No. 86-77-PGE dated July 1, 1987. The negotiated passing score is 180. Company unilaterally waived the passing score on the CTB to 159 for a

number of employees on the basis that they had already demonstrated that they could successfully perform the work which they would be performing as PGandE employees. One agency employee in the Design Drafting group who scored 148.17 on the CTB was converted to PGandE status as a Utility Clerk on the basis that he was successfully performing lead work, therefore, the CTB score was not necessarily an accurate predictor of his future ability to perform in the Utility Clerk or higher classifications.

Of the three grievants who scored higher than 159 on the CTB but were not converted to PGandE status, one failed the pre-employment physical and drug screen requirements agreed to in Letter Agreement No. 86-77-PGE and the other two were not hired because their work performance while agency employees was alleged to have been unsatisfactory. Four of the grievants scored below 148 on the CTB while the other five scored between 148 and 159.

### Discussion

In discussion of these cases, Union argued that Company had compromised the CTB passing score by unilaterally waiving results under 180, the negotiated cut-off score, for certain agency employees. Union opined that all grievants who scored above 148.17, the lowest score of an agency employee who was converted to PGandE status, should be retroactively placed on the PGandE payroll.

Company believed that Union had agreed to the requirement that agency employees must meet the 180 cut-off score on the CTB to be considered for conversion under Arbitration Case No. 128. Lowering the score for certain agency employees who were satisfactory performers did not obligate Company to convert all agency employees above a certain score.

### Decision

At the outset, the Committee agreed that the grievant in Grievance No. 41-52-86-20 who failed the pre-employment physical and drug screen was appropriately not converted and the grievance was settled without adjustment. In addition, Grievance Nos. 41-42-86-10, 41-44-86-12, 41-49-86-17 and 41-50-86-18 filed for grievants who scored below 148 on the CTB were settled without adjustment on the basis that the scores were below that of the lowest score for a converted employee.

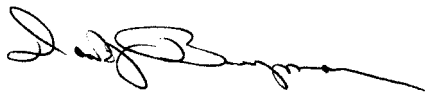
As for grievants in Grievance Nos. 41-45-86-13 and 41-51-86-19 who scored 159.33 and 206.0 respectively on the CTB, the Committee was not provided with any evidence that these agency employees were poor performers as alleged. In fact, the grievant who scored 159.33 provided a copy of a letter written by his supervisor stating "his work record has been excellent" and recommending him to any employer as a "dependable and industrious worker." The Committee agreed that these two agency employees should have been converted to PGandE status on July 3, 1986 based on Company's earlier waiving of test scores to the 159 level for other agency employees. The Committee noted that on February 20, 1987, layoffs for lack of work affected the grievant's department and employees with equivalent service/agency dates were laid off. Therefore, the grievants are entitled to retroactive pay and benefits from July 3, 1986 through February 19, 1987. In addition, the grievants have Section 19.13 re-employment rights as of February 20, 1987.

The grievants in Grievance Nos. 41-43-86-11, 41-46-86-14, 41-47-86-15,

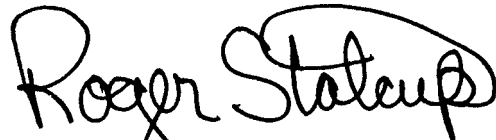
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41-48-86-16 and 22-541-86-34 scored above 148 and below 159 on the CTB. After extensive discussion, the Committee agreed to a non-prejudicial equity settlement for these five cases. The grievants will receive a sum equivalent to the negotiated bargaining-unit severance package. Specifically, four weeks' pay plus one week's pay for each year of service or major fraction thereof. This will be based on the Utility Clerk rate of pay in effect for the agency employees' "years of service" defined by the date they began work at PGandE as agency employees.

Based on the above, all of the grievances in Pre-Review Committee No. 1203 are closed without prejudice to the positions of the parties and should be so noted by the Local Investigating Committee.



DAVID J. BERGMAN, Chairman  
Review Committee



ROGER W. STALCUP, Secretary  
Review Committee

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