



# REVIEW COMMITTEE

205.3 Bypass for  
205.11 temporary upgrade  
612.2 inappropriate  
when no training  
provided.



OCT 17 1989

PACIFIC GAS AND ELECTRIC COMPANY  
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(415) 973-1125

**CASE CLOSED  
LOGGED AND FILED**

INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS, AFL-CIO  
LOCAL UNION 1245, I.B.E.W.  
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(415) 933-6060  
R.W. STALCUP, SECRETARY

RECEIVED OCT 17 1989

D.J. BERGMAN, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

San Francisco Grievance Nos. GG-SF-42-2-88-54-25  
and 02-1586-88-20  
P-RC 1297

October 17, 1989

NANCY PETERSON, Company Member  
San Francisco Division  
Local Investigating Committee

ED CARUSO, Union Member  
San Francisco Division  
Local Investigating Committee

The above-subject grievances have been discussed by the Pre-Review Committee and are being returned, pursuant to Step Five A(i) of the grievance procedure, to the Local Investigating Committee for settlement in accordance with the following:

### Facts of the Case

The grievant has been a Manhole Pumpman since 1984. Although upgraded to both T&D Driver and Equipment Operator frequently during 1987 and in January of 1988, thereafter, the employee has been bypassed for upgrades to both classifications. The Company stated performance deficiencies in the decision to bypass him for upgrade opportunities. The Union grieved bypasses to both classifications, based on the belief that the grievant was a qualified prebidder and thus entitled to upgrade.

### Discussion

The Committee reviewed the grievant's qualifications and alleged performance deficiencies as related to both positions. With regard to performance, the Committee noted that documentation in the form of several memos to file written by the grievant's co-workers was presented by the grievant's supervisor. The memos were dated August, October, and December of 1987. The Committee also established that the issues therein were discussed with the employee in August of 1987 and when first bypassed for Equipment Operator, in January of 1988.

A question that warranted discussion by the Committee was, at what point is a bypass warranted? The Union opined that the point at which disciplinary action is taken for safety deficiencies may signal the point at which an employee's bid for upgrade is denied. The Company offered the opinion that, when performance was such that an employee's ability to function safely in a position is questionable, bypass is warranted. The Committee did agree, however, that when performance is not acceptable, especially with regard to safe operation of equipment, the Company has an obligation to provide training to ensure that the employee has all the knowledge and tools necessary to

safely perform the job. At the point at which it is clear that an ability, as opposed to a training, deficiency is present, continued bypass to a position is warranted and the deficiencies need not rise to the level of formal discipline.

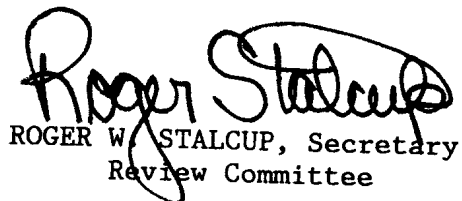
With regard to qualifications, the grievant was technically qualified to drive the vehicles required in the Equipment Operator and T&D Driver classifications inasmuch as Form 7396, completed September 29, 1986, indicated that he had qualified to drive trucks up to and over 2-1/2 tons and other trailers - 6000 pounds. However, the grievant was not tested, and thus not qualified, to operate much of the equipment associated with these classifications, such as winch operation and hydraulic boom. Therefore, the grievant met the minimal requirements for driving, but not operating, the equipment associated with Equipment Operator and T&D Driver. The Company had the responsibility to provide the training that would give the grievant the opportunity to so qualify. If training did not correct the performance problems, then the Company would have just cause for bypass. Without the attempt to correct the problem, however, the employee was effectively blocked from the opportunity for upgrade and advancement in his line of progression. The Committee is unable to explain why there apparently has been no effort to provide this training since the initial bypass.

#### Decision

Based on the foregoing, the Committee resolved the case as follows. The Company will provide the twenty-four hours of training and testing available through the Safety, Health and Claims Driver Instructor to provide the grievant the opportunity to fully qualify to drive and operate all equipment associated with upgrade to the Equipment Operator classification. If the grievant does not qualify, bypass of the grievant to the Equipment Operator position will be sustained. If, however, the grievant demonstrates competency to perform the requirements of Equipment Operator by passing the SH&C hands-on test, the Local Investigating Committee will determine the amount of upgrade time for which the grievant was bypassed to that classification since the filing of the grievance, and pay the corresponding retroactive wages. Training for the T&D Driver classification should also be conducted. However, the Committee does not find any retroactive liability to that classification because he is not in the line of progression to it.



DAVID J. BERGMAN, Chairman  
Review Committee



ROGER W. STALCUP, Secretary  
Review Committee

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