

306.1; 613.1: GC Fieldman exercising only available displacement option to bump into Gas Dept. laid off after DOT positive test for drugs.



PACIFIC GAS AND ELECTRIC COMPANY
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D.J. BERGMAN, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

REVIEW COMMITTEE

**CASE CLOSED
FILED & LOGGED**

AUG - 4 1993

IBEW



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

Pre-Review Committee File No. 1666
ENCON Grievance No. 03-2411-93-14

Bill McLoughlin, Company Member
Local Investigating Committee

Gene Wallace, Union Member
Local Investigating Committee

Grievance Issue: Union alleges Company improperly laid off Grievant when he failed to meet the qualifications for Title 306 demotion. Grievant has ten years' seniority. Union contends this action, on the Company's part, was for an unjust and insufficient cause.

Facts of the Case: The Grievant, a Fieldman, was notified of a lack of work and given his Title 306 rights on January 25, 1993. At the time of his notice, he was informed he would be transfer tested under Drug Free Pipeline Program.

The position into which the Grievant was to be demoted pursuant to Subsection 306.3(a) was Fieldman. Since the Grievant's current classification was an "uncovered" classification, he was required to be "transfer drug tested" to be qualified to be placed into the "covered" classification.

On January 26, Grievant was "transfer drug tested." The Supervisor was notified the Grievant tested positive on February 1, 1993. The employee could not now be demoted into the "covered" classification of Fieldman and was laid off on February 8, 1993, as there were not other options available.

The Grievant told the committee that on December 21, 1992, he displaced an Electric Construction Fieldman at Station K in Oakland. His previous Company experience had been with Hydro Engineering and Construction.

On January 25, 1993, he was notified that he was being transferred to a Brisbane Gas Construction crew. The Grievant thought he was being "loaned" to Gas Construction and protested that he should not be required to take the DOT test. The grievant however was exercising his 306 option.

Discussion: The Union argued that the grievant should have been placed on sick leave in order to receive rehabilitation, allowing him to keep his employment.

Company's position is that pursuant to Subsection 306.1(a), the Grievant must be "fully qualified" to perform the duties of the classification to which such employee is to be demoted or transferred..." Since the Grievant was not fully qualified, he was laid off. The Grievant was notified of his displacement/lay off rights on January 25, 1993. He was laid off two weeks later on February 4, 1993; this fulfilled his rights under Section 306.7(b).

The Company opined that it would be a violation of the Agreement to provide the Grievant Subsection 306.4(b)(3) rights to return to a former classification since an option to retain his current Fieldman classification pursuant to Subsection 306.3(a) was available.

Committee agreed that the employee was offered the appropriate 306 option and that failing the "Transfer Test" caused him not to be qualified and since he was not qualified he was properly laid off.

This case is closed without adjustment.



Rick R. Doering, Chairman
Review Committee



Roger W. Stalcup, Secretary
Review Committee

1/29/93

Date

8/4/93

Date