



REVIEW COMMITTEE



IBEW

PACIFIC GAS AND ELECTRIC COMPANY
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**CASE CLOSED
FILED & LOGGED**

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W
P.O. BOX 4790
WALNUT CREEK, CALIFORNIA 94596
(510) 933-6060
R.W. STALCUP, SECRETARY

MARGARET A. SHORT, CHAIRMAN

- ☐ DECISION
- ☐ LETTER DECISION
- ☐ PRE-REVIEW REFERRAL

Sierra Division Grievance No. AUB-94-60
Fact Finding Committee No. 5992-95-9
Pre-Review Committee File No. 1959

BETSY GRIFFITH
Company Member
Local Investigating Committee

PHIL CARTER
Union Member
Local Investigating Committee

Subject of the Grievance

This grievance alleges that Company failed to fill two vacancies in the Materials Handler classification at the Marysville Distribution Center in the manner provided for in the Agreement.

Facts of the Case

Company hired two temporary additional Materials Handlers. The first has an employment date of December 23, 1985 and was rehired after a short layoff to relieve behind an absent employee. The second was employed February 17, 1988, and like the first Materials Handler, was rehired after a short layoff to provide relief for additional workload. Both were hired prior to the adoption of the language in Section 106.12, temporary additional employees.

On May 1, 1995, the Handler with the 1988 employment date transferred to Meter Reading.

The Materials Distribution Center currently has 31 Materials Handler positions filled. Of the 31, 22 have been filled since the temporary additional Materials Handler was hired with the 12/31/85 employment date was hired. They were filled as follows:

Subsection 205.5(a) preferential consideration	1
Subsection 205.5(b) Priority 1	12
Subsection 205.5(c) Unrestricted Appointment	3
Title 206 Demotion and Layoff	6

The three 205.5(c) unrestricted appointments went to temporary additional employees who [all] have greater seniority than does the temporary additional. All three of those appointments took place between 1/2/86 and 8/21/86. All vacancies filled in the Materials Handler classification at the headquarters subsequent to 8/21/86 were filled by application of Section 205.5(b) Priority 1 transfer, Subsection 206.15 demotion, or Subsection 206.17 relocation. During the last nine years, there has been no opportunity for Company to convert this temporary additional employee to non-temporary additional status via the provisions of Subsection 205.5(c), unrestricted appointment.

There is no named grievance in this case.

Discussion

It is apparent from the above record that indeed, Company has been filling vacancies in the contractually prescribed manner with the caveat that there is no contractual requirement to consider seniority in the application of Subsection 205.5(c), unrestricted appointments.

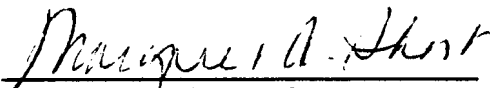
Pursuant to L/A 87-29, the temporary additional would have to be placed into an authorized vacancy pursuant to Subsection 205.5(c), he could not receive consideration for placement in that headquarters through the priority one or transfer provisions.

Also under the terms of that letter agreement, once an employee reaches regular status pursuant to Section 106.5, the employee becomes entitled to all of the benefits and entitlements that attached to regular status.

Company is currently in the process of filling three additional Materials Handler positions and would backfill the position currently held by the temporary additional as a regular vacancy if it were vacated. That is because the temporary additional position has been in every headcount (employee control number) since that became company's manner of authorizing positions.

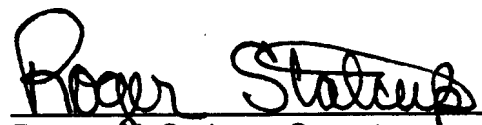
Decision

Based on this unique set of circumstances and without prejudice, the Pre-Review Committee is in agreement that the temporary additional designation should be dropped from this Materials Handlers' status.


Margaret A. Short, Chairman
Review Committee

3/6/96

Date


Roger W. Stalcup, Secretary
Review Committee

3/6/96

Date