



# REVIEW COMMITTEE

# IBEW



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RECEIVED MAY 20 1996

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 Case No. AUB-96-06  
Colgate Division Case No. CHI-96-15  
PRC 2054

BETSY GRIFFITH  
GLENN LARSON  
Company Members  
Local Investigating Committee

PHIL CARTER  
MICKEY HARRINGTON  
Union Members  
Local Investigating Committee

### Subject of the Grievance

This case concerns the filling of two Troublemens vacancies in Marysville pursuant to Section 205.7(a) to bidders claiming Section 206.9 rights. The grievants from Marysville and Oroville are 205.7(b) bidders who believe the preferential consideration of the successful bidders pursuant to 205.7(a) was in error.

### Facts of the Case

The successful bidders were Underground Construction Journeymen-Electric from 1991 until July 10, 1995 when they voluntarily were demoted to Linemen pursuant to Section 206.15 of the Physical Agreement.

Under the **DEMOTION OTHER THAN FOR LACK OF WORK**, the agreement states:

'Except for Sections 206.9 and 206.12 the foregoing Sections 206.1 and 206.14 apply only to an employee demoted for lack of work. Demotion for any reason other than for lack of work is provided for as follows:'

This means that preferential consideration as provided in Section 206.9(a&b) are applicable to employees demoted for reasons other than lack of work.

Pre-Review Committee File No. 2054

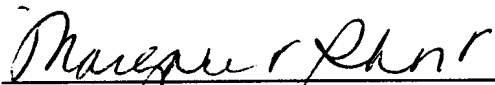
However, this provision of the Agreement was further modified by Letter Agreement 93-93 which limited the rights of employees to preferential consideration under Section 206.9(b) to those who are demoted for lack of work. Since these employees were not demoted for lack of work, their preferential consideration is limited to return to their former classification and headquarters, i.e. UG Construction Journeyman - Marysville.

In the negotiated clarification of Title 206, specifically Section 206.9, Example D. demoted employees also have preferential rights to any vacancy in any intermediate classification of the reverse line of progression of the employee's former classification. Turning to the reverse line of progression for Underground Construction Journeyman Troublemaker is listed. In this instance the demoted employees would be limited to consideration for Troublemaker, Marysville.

Decision

Based on the facts outlined above, the Pre-Review Committee is in agreement that the job awards were proper and no violation of the agreement occurred.

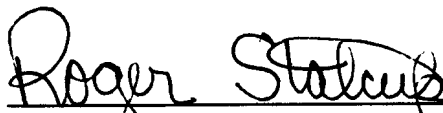
This case is closed without adjustment.



Margaret A. Short, Chairman  
Review Committee

5/17/96

Date



Roger W. Stalcup, Secretary  
Review Committee

5/17/96

Date