



REVIEW COMMITTEE



IBEW

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INTERNATIONAL BROTHERHOOD OF
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R.W. STALCUP, SECRETARY

RECEIVED
OCT. 30, 1998
CASE CLOSED
FILED & LOGGED

MARGARET A. SHORT, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

Fresno Division Grievance No. FRO-97-18
Fact Finding File No. 6548-97-079
Pre-Review Committee 2142

JOE CERRUTI
Company Member
Local Investigating Committee

JIM LYNN
Union Member
Local Investigating Committee

Subject of the Grievance

This case concerns the bypass of a System Operator in Merced on a Grid Control Operator position in Fresno based on Subsection 205.14 of the Physical Agreement.

Facts of the Case

The Grid Control Operator performs System Operator duties for transmission and hydro jurisdictions. In addition they back-up the System Dispatchers. This responsibility is a small but important portion of their jobs. The vacancy was awarded November 22, 1996 to an "e" bidder, a former System Dispatcher (an exempt classification) who had transmission, hydro, and Control Area Function experience. The Union does not question the successful bidder's qualifications.

Discussion

Company stated that during the negotiations of L/A 95-23 Company made it clear to Union that it needed the ability to be selective about appointments to the Grid Control Operator positions since these position would continue to have some supervisory responsibilities (Control Area Function) which is back-up to the System Dispatch, a non-bargaining unit function. In recognition of this need, it was agreed that the provision of Subsection 205.14 would be available. Union, however, believed that this subsection would be applied in a manner consistent with Arbitration Case No. 6, meaning that if Company bypassed a bargaining unit employee who meets the negotiated requirements, Company would be in a position to demonstrate that the successful bidder was "head and shoulders" more qualified than the bypassed employee. Union questioned how a bargaining unit employee would ever acquire the Control Area Function experience since it is an exempt function. Company responded that bargaining unit employees have been temporarily assigned to System Dispatch and could acquire the experience in that way.

Additionally, Company argued that the grievant had worked only as a Distribution System Operator and had no experience in Transmission or Hydro System Operations. Union argued that L/A 95-23 clearly states that for Title 205 and 206 purposes the Grid Control Operator is considered the same as the System Operators (includes Distribution and Hydro) and the Division Operator (San Francisco) and that in their opinion, the reverse is also true. Company opined that a Distribution Operator could gain experience in Hydro or Transmission by bidding to one of those locations. Union pointed out that to be consistent with their stated position, Company should also bypass in those situations.

While this case was being processed through the grievance procedure, the parties executed L/A 98-16 which clearly states that all System Operators are interchangeable for Title 205 and 206, that they all are trained in certain core modules in the OIT training program and additional function specific modules. If after becoming a journeyman, an Operator bids from one function to another, the Operator will be given Journeyman Enhancement training to become familiar with the new function: transmission, distribution, or hydro operations.

DECISION

It is clear that there was some misunderstanding about the meaning of the bypass language. It is equally clear that the grievant has no training or experience in either transmission or hydro operations. It is also clear from the provisions of L/A 98-16, signed August 28, 1998 that the parties recognized a need for additional training when journeyman operators bid from one functional jurisdiction to another.

Based on all of the above, the PRC agrees to settle this case by agreeing to place the grievant as a top step Grid Control Operator with the proviso that he complete the transmission and hydro training modules outlined as Journeyman Enhancement in L/A 98-16 and be able to stand shift within a reasonable period of time.

Grievant is to receive 50% of the retroactive wage liability upon reporting and 50% when he is able to stand shift. If the grievant is unable to stand shift or does not perform satisfactorily, he will then be subject to the provisions of Section 206.15 of the agreement.

This decision also settles Fact-Finding 6760-98-35.

Further, the PRC recommends the parties reconvene as a 94-53 committee or in Rerate to further discuss the qualifications needed for the Grid Control Operator position.

Margaret A. Short
Margaret A. Short, Chairman
Review Committee

10/28/98
Date

Roger W. Stalcup
Roger W. Stalcup, Secretary
Review Committee

10/28/98
Date