



**Pacific Gas and
Electric Company™**

REVIEW COMMITTEE



IBEW

PACIFIC GAS AND ELECTRIC COMPANY
2850 SHADELANDS DRIVE, SUITE 100
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MARGARET A. SHORT, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

RECEIVED
 JUNE 30, 1999

CASE CLOSED
FILED & LOGGED

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W.
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WALNUT CREEK, CALIFORNIA 94596
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PERRY ZIMMERMAN, SECRETARY

Steam Generation Grievance No. SFB-98-01
Fact Finding No. 6848-99-06
Pre-Review Committee No. 2212

East Bay Division Grievance No. OAK-98-45
Fact Finding No. 6883-99-041
Pre-Review Committee No, 2214

WILLIAM MEYER
PAT MEDRANO
Company Members
Local Investigating Committee

HUNTER STERN
LULA WASHINGTON
Union Members
Local Investigating Committee

Subject of the Grievance

These cases involve vacancies that were filled pursuant to Section 205.13 of the Physical Agreement.

Facts of the Cases

PRC 2212/ SFB-98-01

The Centralized Job Bidding Team (CJBT) received a vacancy requisition, number 009461, for a Metering Systems Technician position in Woodland on November 12, 1997 which became the first control date. There were no qualified bidders and subsequent bid lists were pulled on November 20, 21, 25, and 26 to consider the bids of new bidders. Finally on November 26, 1997 the list was exhausted and the job was posted as "No Qualified Bidders" on the December 11, 1997 Job Awards Bulletin. Pursuant to Section 205.15, Union was sent a letter dated November 26, 1997 notifying them of all the bidders bypassed. The grievant was listed as one of those bypassed for lack of qualifications.

On January 26, 1998 a former employee who had been a Sr. Meterman was hired into the vacancy pursuant to Section 205.13. This employee completed the Apprentice Meterman training between 1976 and 1979 and worked as a journeyman Sr. Meterman until his retirement in 1994. He then was hired as a Hiring Hall Metering Systems Technician in 1996 and worked continuously until he was rehired into this grieved position.

The grievant in this case is a Traveling Control Technician with almost 15 years of service at the time of bypass. He never worked in the Electric Meter line of progression; all but his first year was in Steam Generation classifications including Instrument Repairman.

PRC 2214/OAK-98-45

This grievance concerns the filling of a Measurement and Control Mechanic vacancy in Napa. CJBT received a vacancy requisition on April 2, 1998. The grievant's bid was not timely as it was submitted on March 29, 1998. There were no qualified bidders on this list. Another list was pulled on May 7, 1998. The grievant and another Apprentice M&C Mechanic were considered but again there were no qualified bidders. One final list was pulled on May 8, 1998. It too was exhausted. The vacancy was then released to be filled pursuant to Section 205.13, however, it was not filled during the next 60 days. Pursuant to Section 205.4(d) a new list was pulled on July 20, 1998; it was exhausted on September 17, 1998. Two more lists were pulled and finally on October 1, 1998 the vacancy was again released to be filled by appointment under Section 205.13.

On October 2, 1998 a Gas Mechanic from Napa was appointed. The Gas Mechanic had never been a M&C Mechanic or in the Apprenticeship. He was not in the line of progression. A proposal to appoint the Gas Mechanic to the M&C Mechanic vacancy on a provisional basis had been rejected by the Joint Apprenticeship Committee on July 29, 1998. Following appointment to the vacancy, the Gas Mechanic was scheduled to attend the necessary M&C Mechanic schools as follows:

- 10/5/98 two week Primary School
- 3/8/99 two week Secondary School
- 6/99 Tertiary School

The grievant, at the time of bypass, was at the 18 month step of Apprentice M&C Mechanic in Richmond. By the time of the appointment on October 2, he was at the 24 month step with about six weeks to go before reaching the top step on November 20, 1998. At that point, he had completed all of the academic schools and was 99.9% complete in the on-the-job training. As of November 20, 1998 he became a 205.7(b) or (c) bidder. On May 20, 1999, he became an Unassigned M&C Mechanic. The grievant attended the above schools as follows:

- 9/9-20/96 Primary School
- 6/16-27/97 Secondary School
- 5/4-15/98 Tertiary School

Discussion

At the outset the Pre-Review Committee agreed that Section 205.13 allows Company the exclusive right to appoint to a vacancy for which there are no qualified bidders or where no bidders accepted under Section 205.7, unless there is a qualifying examination to be given. The parties agree that if there is a qualifying journeyman examination or if there is a comprehensive end-of-the apprenticeship training examination, such test must

be given to any candidates who are being considered for the filling of a journeyman vacancy. Further, the parties agree that passing an apprenticeship entrance examination does not qualify an individual for the journeyman classification.

However, there is one exception to the requirement to pass the appropriate journeyman qualifying examination, and that is if the person to be appointed previously held the journeyman classification to be filled, that person need not take and pass the qualifying examination.

With respect to the two vacancies at issue in these files, Electric Metering Systems Technician and M&C Mechanic, there are no journeyman qualifying or end-of-apprenticeship examinations. Based on the foregoing, the PRC is in agreement that a contractual violation did not occur. However, the PRC does feel compelled to state that the appointment to the M&C Mechanic vacancy to a person rejected for provisional appointment, who was not in the line of progression, who had never worked in the classification, and who had never been to any of the schools flies in the face of the intent of Section 205.13 and 205.1. Such an appointment undermines and downplays the importance of the negotiated apprenticeship training programs. It is such exercise of management discretion that led to the testing language in Subsection 205.13(b) in 1988.

DECISION

No contractual violation occurred. These cases are closed without adjustment. However, the Pre-Review Committee recommends the JATC work toward establishing journeyman qualifying exams for use in Subsection 205.13(b).

Margaret A. Short

Margaret A. Short, Chairman
Review Committee

6/30/99

Date

Perry Zimmerman

Perry Zimmerman, Secretary
Review Committee

6-30-99

Date