



REVIEW COMMITTEE



PACIFIC GAS AND ELECTRIC COMPANY
2850 SHADELANDS DRIVE, SUITE 100
WALNUT CREEK, CALIFORNIA 94598
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RECEIVED by LU 1245
APR. 4, 2000
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
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BOB CHOATE, SECRETARY

MARGARET A. SHORT, CHAIRMAN

DECISION
LETTER DECISION
PRE-REVIEW REFERRAL

General Construction Case No. SFO-97-51
Fact Finding No. 6975-99-133
Pre-Review Committee No. 2250

Meri Issel
Company Member
Local Investigating Committee

Hunter Stern
Union Member
Local Investigating Committee

Subject of the Grievance

This case concerns the use of a Utility Worker to drive a crew truck to and from the job site on a regular basis.

Facts of the Case

The grievant was hired July 14, 1997 as a Utility Worker. He possesses a Class A driver's license which is required to operate the type of truck used to transport the gas crew. On the days that the grievant drove the truck, he was also responsible for conducting the pre and post trip inspections, maintaining inventory, and moving the vehicle from location to location during the workday. He also indicated that he operated the Bobcat. Occasionally, he would do fusion of plastic pipe.

The Working Foreman B testified that he gives everyone on his crew an opportunity to operate the Bobcat and do Fieldman type work as part of their ongoing training. The exempt supervisor testified that when he learned the grievant was driving the crew truck on a regular basis, he began upgrading the grievant one day per week to Fieldman even though on any one day the amount of time spent performing the higher level work was less than two hours. The supervisor further indicated that the two job sites to which the grievant drove were either 30 minutes or 15 minutes maximum from the yard.

This grievance was filed at the end of November 1997. Payroll records indicate the grievant was temporarily upgraded to Fieldman 48 hours in 1997; 162.5 hours in 1998; and 729 hours in 1999. Further, the grievant was promoted to Fieldman on a regular basis effective August 6, 1999.

Discussion

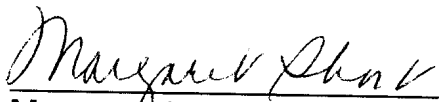
This issue has been addressed in the grievance procedure before. There is no disagreement that driving a crew truck on a regular basis and the other duties mentioned is work appropriate for the Fieldman classification and not for the Utility Worker. The difficulty in resolving this case is that there are no records to indicate specifically when and for how long these duties were performed by the grievant although it does appear that the cumulative time spent in performing these duties on any given day was less than the threshold two hours that it takes to qualify for an upgrade. From the record, it is apparent that the supervisor tried to equitably compensate the grievant for the time spent in performing the Fieldman duties. It is also clear that subsequent to August 6, 1999, there was no longer a grievable issue.

Union opined that anytime the grievant completed the State required paperwork and safety check for a Class A vehicle, he is becoming responsible for the vehicle for the whole day, by law. Additionally, the Company should pay for the talent they use of an employee who is not in the appropriate classification.

Company responded that even if the work exceeded two hours, the upgrade would only be for actual hours spent performing the higher level work, not for the full day.

Decision

The PRC agrees to close this case without further adjustment. However, management is cautioned to avoid situations where there might not be a contractual violation but where the action flies in the face of the intent of the language. Such actions are viewed to be "sharp practices", "managing around", or a circumvention of the agreement and can lead to more challenges by the Union.



Margaret A. Short, Chairman
Review Committee

3/27/00

Date



Bob Choate, Secretary
Review Committee

3/27/00

Date