

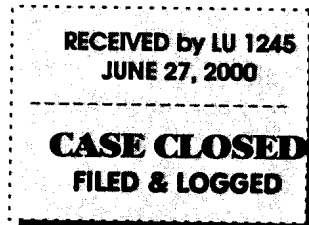


REVIEW COMMITTEE

IBEW



PACIFIC GAS AND ELECTRIC COMPANY
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INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W.
P.O. BOX 4790
WALNUT CREEK, CALIFORNIA 94596
(925) 933-6060
BOB CHOATE, SECRETARY

MARGARET A. SHORT, CHAIRMAN

DECISION
LETTER DECISION
PRE-REVIEW REFERRAL

North Bay Grievance No. SNR-99-03
Pre-Review Committee No. 11653

Pamela Benitez
Company Member
Local Investigating Committee

Larry Pierce
Union Member
Local Investigating Committee

Subject of the Grievance

This case concerns the temporary filling of an Electric Crew Foreman position in Napa for an extended period of time.

Facts of the Case

This grievance was filed September 3, 1999 alleging that for 16 continuous months, Company had temporarily filled an Electric Crew Foreman position in Napa and that this action justified the filling on a regular basis through Title 205. The Local Investigating Committee determined that the regular ECF was either temporarily assigned to Troubleman or Distribution Supervisor between March 23, 1998 and August 27, 1998. On that date, the ECF was awarded a Napa Troubleman vacancy but continued on an upgrade to Distribution Supervisor. The Napa Lineman who was temporarily upgraded to relieve the ECF in March continued on the upgrade.

Discussion

It was agreed at Fact Finding that until August 27, 1998, the temporary upgrades were contractually appropriate. Section 205.1(c) defines what is considered a temporary vacancy and therefore not subject to filling on a regular basis pursuant to Sections 205.5 or 205.7.

At the time the grievance was filed, the ECF vacancy had been filled on a temporary basis for less than 13 months. Company stated that the uncertainty of the General Rate Case was the reason for not filling the vacancy on a regular basis at that time. Subsequent to the referral of this case to PRC, the ECF position was filled on a regular basis and awarded to the Napa Lineman that had been temporarily upgraded. The job award was made on May 30, 2000.

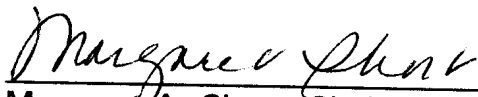
The PRC is in agreement that Company has the unilateral right to determine which vacancies to fill on a regular basis, however, notes that Section 205.1(a) states in part:

"The provisions of this Title shall be interpreted and applied in a manner consistent with the parties intent in negotiating the job bidding, transfer, and promotion procedures....and that Company shall endeavor to expedite the filling of job vacancies."

The PRC also is in agreement that it may be appropriate to temporarily fill a vacancy in an effort to determine if there is a need to fill on a regular basis, however, this evaluation should take place within a reasonable time frame. Inasmuch as temporary upgrades are made to qualified bidders within the headquarters, the language cited above protects the rights of bidders from other headquarters who may be entitled to the vacancy on a regular basis.

Decision

This case is closed without adjustment as the correction requested has already been granted.



Margaret A. Short, Chairman
Review Committee

6/23/00

Date



Bob Choate, Secretary
Review Committee

6/23/00

Date