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MARGARET A. SHORT, CHAIRMAN

DECISION  
 LETTER DECISION  
 PRE-REVIEW REFERRAL

**REVIEW COMMITTEE**

RECEIVED by LU 1245  
 SEPT. 6, 2002  


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**CASE CLOSED  
 FILED & LOGGED**

*109.2; 613.1: Concern progression through the Apprentice Lineman training program. Subject to a check of the records by Payroll, the grievant has not yet completed the 12-month step; unless there is reason to withhold the 12-mo. step, a tag should be completed with a retroactive date.*

**IBEW**



INTERNATIONAL BROTHERHOOD OF  
 ELECTRICAL WORKERS, AFL-CIO  
 LOCAL UNION 1245, I.B.E.W.  
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 SALIM A. TAMIMI, SECRETARY

**Pre-Review Committee No. 13328**  
 General Construction Line – San Jose

Kathy Ledbetter  
 Company Member  
 Local Investigating Committee

Hunter Stern  
 Union Member  
 Local Investigating Committee

Subject of the Grievance

This case concerns progression through the Apprentice Lineman training program.

Facts of the Case

November 20, 2000	Hired Beg. Step Appr. Lineman (T300)
January 1, 2001	GW (3%)
March 7, 2001	Leave of Absence
July 9, 2001	Return from Leave
November 20, 2001	PWI – Six month Step
January 1, 2002	GW (3%)
May 21, 2002	Bid to Appr. Lineman (T200)
Prior related experience:	HH MEO – Electric (2 ½ years) Northwest Lineman's College - Idaho
Training Completed	10 Day Basic Climbing 5 Day Advanced Climbing 5-Day Overhead Fundamentals 2-Week Live Line Field Training

The grievant was held at the beginning rate for one year as required by Letter Agreement 98-02. Those entering the Apprentice classification from another line of progression or an external hire must spend one year at the beginning step in order to become familiar with electric construction work, tools, jargon, policies, practices, etc. This provision was intended to enhance the employee's ability to be successful and safe by ensuring that they receive some of the fundamentals that an employee who'd spent time in a next lower classification received.

The grievant met with a Training Coordinator at the Lineman School in Livermore to discuss the training program and to complete the State Apprenticeship Agreement. The grievant states he was told that he did not fall under the 42-month agreement as he had some prior experience.

In addition, the LIC determined that the grievant began climbing and working on poles during his first six months. A review of Letter Agreement 79-43, which is the training guideline for Title 300 Apprentice Linemen, indicates that Apprentices may climb poles and perform work during their first six months under certain conditions.

Section 304.1 of the Physical Agreement states that an Apprentice who is absent in excess of 25 workdays due to industrial injury, shall have his PWI delayed by a period of time equal to the amount of time in excess of 25 workdays. For the grievant, that would have delayed his reaching the six-month step until February 14, 2002. However, the Joint Apprenticeship Committee agreed in Decision 02-01 to allow the grievant to progress to the six-month step effective November 20, 2001 – one year after he was hired based on his prior work experience and his progression through the training.

This grievance was filed March 12, 2002 well beyond the date the grievant believes he should have been advanced to the six-month step. However, because this grievance concerns proper wage placement and the employee has not yet reached the top of the rate, this is a timely grievance under the provisions of Title 102, Attachment A, Continuing Grievances.

#### Discussion

The Union stated that this employee was told he was in a 36-month program and he signed a State Agreement that said it was 36 months. Beyond that, the training and assignments this employee received did not follow the intent of L/A 98-02 as they were not limited to entry level work during the first six months. Union further noted the accelerated rate he was sent to the training classes. Union believes that this employee should be allowed to progress through the apprenticeship in 36 months instead of 42 based on his specific situation.

Company acknowledged that the employee was misinformed and that a procedure needs to be implemented where: those who are required to spend 42 months are so informed; the Apprenticeship Agreement is correctly completed; and the actual apprenticeship training and completion of the Training Record does not begin during the first six months.

Company noted that, State Agreements that are properly completed for a 36-month training program are sometimes delayed due to failures by the employee in the training or absences of the employee. The end date of the Agreement then is corrected to reflect the actual completion date of training. It would seem that such an adjustment to the end date is appropriate and warranted for this grievant. The grievant is not close to completing the apprenticeship and the delay in wage progression has already occurred. To grant the correction requested would cause the violation of L/A 98-02. Further, this grievant has already been given the benefit of prior experience by not delaying the six-month PWI as provided for in Section 304.1

Company also stated that completion of the academics and/or classes is not reason enough to accelerate through an apprenticeship as the on-the-job training and in-the-field experience is very valuable and necessary to becoming a journeyman.

Further, requests for acceleration through an apprenticeship must be submitted to and approved by the Joint Apprenticeship Training Committee. It does not appear such a request was made.

Decision

Subject to a check of the records by Payroll, it would appear that the Grievant has not yet received the 12-month step that was due May 20, 2002. Unless, there is reason to withhold the 12-month step, a tag should be completed with a retroactive effective date.

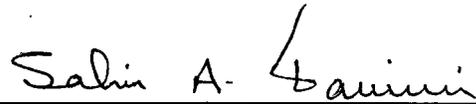
This case is closed on the basis of the foregoing.



Margaret A. Short, Chairman  
Review Committee

9/6/02

Date



Sam Tamimi, Secretary  
Review Committee

9-6-02

Date