

205.6: No bypass violations for "c" bidder Meter Reader to a Sr. Meter Reader, Cinnabar vacancy, for declining the job offer and for not requesting additional time to review with his doctor.

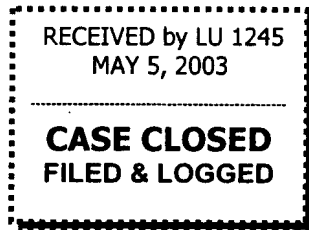


## REVIEW COMMITTEE

**IBEW**



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DECISION  
LETTER DECISION  
PRE-REVIEW REFERRAL

### Pre-Review Committee No. 13684 Customer Services – Meter Reading and Office Services - Salinas

Voncille Williams  
Company Member  
Local Investigating Committee

Mike Haentjens  
Union Member  
Local Investigating Committee

#### Subject of the Grievance

This case alleges Company bypassed the grievant to a Sr. Meter Reader, Cinnabar, vacancy.

#### Facts of the Case

The grievant is a Meter Reader and was a "c" bidder to the vacancy. There were two vacancies being worked by the Centralized Job Bidding Team (CJBT) at the same time. One vacancy was filled with a "b" bidder and the other was NQB'd (no qualified bidders). The NQB vacancy was filled by unrestricted appointment with a Meter Reader in the Cinnabar headquarters with less service than the grievant.

The grievant's supervisor testified he received notice of the job offer on Thursday, June 27, 2002 but was out of the office and unable to extend the offer until Friday, June 28. Before extending the offer, the supervisor checked with CJBT about making the offer since the grievant was on an active Oral Reminder. CJBT advised the supervisor to make the offer.

In response to questions asked by the Pre-Review Committee, the supervisor stated the grievant asked for time over the weekend to check out the job. The supervisor agreed. On Monday morning, the grievant said he'd talked with the Cinnabar supervisor and declined the job. It was at this point that the grievant mentioned he asked for the additional time to check with his doctor. There was no further discussion about the doctor. The supervisor then called CJBT and informed them that the grievant declined the job offer.

The grievant testified he called the receiving supervisor (Cinnabar) on Monday and asked for additional time to respond so he could get clearance from his doctor and the Cinnabar supervisor declined additional time indicating an immediate response was needed. This supervisor was on vacation at the time of the LIC, however, he later provided the following statement:

"First off, I do not recall the grievant asking me that he needed clearance from his doctor. My recollection of the conversation was, he asked me what were the hours of the job, which I replied 7:30 to 4:00. I also let him know that this position would be performing SONP's (shut-off/non-pay's). That's really all the conversation that stands out in our discussion about this position."

According to the Cinnabar supervisor, after this Monday discussion, the grievant stated he did not think he was interested in the job. The grievant did not indicate he was declining under protest or that he would file a grievance.

At the LIC, which was held August 16, 2002, the Business Rep indicated the grievant would be providing a statement from his doctor and/or attorney.

The record does not indicate when these documents were received but the PRC file includes an undated note from a doctor recommending the grievant be moved to a Sr. Meter Reader position; and a note from an attorney indicating the grievant had a legal and moral obligation to contact his doctor regarding the Sr. Meter Reader vacancy. The attorney's note is dated September 18, 2002.

#### Discussion

The job offer letter sent by CJBT to supervisors asks that they not extend the job offer but to contact CJBT if an employee:

- is in a critical classification
- has provisional status
- has PD
- is on the inactive payroll (Workers' Comp, L/A, LTD)
- is on light duty or
- is on sick leave expected to extend 10 work days or more

The only item listed above applicable to the grievant is that he did have an active Oral Reminder, but pursuant to the contract not enough to bypass so the job offer was extended.

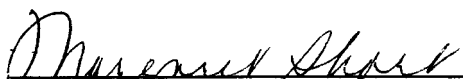
The grievant was not on light duty. In fact, there is a note in the LIC file from the same doctor indicating the grievant was released to full Meter Reader duties effective May 24, 2002.

If an employee's supervisor calls CJBT to indicate an employee is on light duty, CJBT will inquire of the receiving supervisor whether the employee's restrictions can be accommodated. There was no indication in this case that the grievant might not be physically able to perform as a Sr. Meter Reader.

This case was discussed several times by the PRC and based on the evidence presented and the testimony of the two supervisors, the PRC concludes the grievant declined the job offer and did not request additional time to review with his doctor. Had he requested time to consult with his doctor, company would have considered his request and either agreed to a delay in responding or not.

Decision

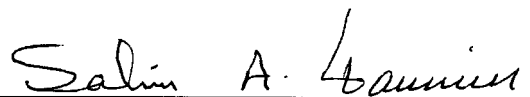
No violation of the agreement occurred. This case is closed without adjustment.



Margaret A. Short, Chairman  
Review Committee

5/5/03

Date



Sam Tamimi, Secretary  
Review Committee

5-5-03

Date