



REVIEW COMMITTEE

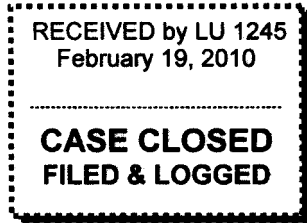


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INTERNATIONAL BROTHERHOOD OF
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LOCAL UNION 1245, I.B.E.W.
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VACAVILLE, CALIFORNIA 94696
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JOHN MOFFAT, CHAIRMAN

DECISION
LETTER DECISION
PRE-REVIEW REFERRAL



BOB CHOATE, SECRETARY

Pre-Review Committee No. 18398 Energy Delivery – Gas T&D - Fresno

Monica Oakes
Company Member
Local Investigating Committee

Mike Haentjens
Union Member
Local Investigating Committee

Subject of the Grievance:

Company bypassed a GC Gas Crane Operator for a Working Foreman "B" position.

Facts of the Case:

The Grievant is a GC Gas Crane Operator with 25 years of service.

The complaint was around the administration of permanent and temporary upgrades to Working Foreman. The testimony indicated that several employees receive regular temporary upgrades and have less time than the Grievant. The Grievant was inappropriately assigned to GC Line 12 years ago and has just recently returned to GC Gas.

The Company at this headquarters has not been posting the temporary upgrade report at the headquarters.

Two employees were promoted prior to the Grievant returning to GC Gas. Two additional promotions occurred in October 2008 with one requiring welding skills.

The Grievant's testified that a Working Foreman is responsible for organizing, assigning and delegating and does not need to be a technical expert. The Company disagreed.

The Company testified that the Grievant had been away and needed additional training and experience to be qualified to supervise crews. A plan was put in place to get the Grievant qualified for the Working Foreman position.

Discussion:

The parties at Fact Finding agreed that the bypass of the Grievant that happened in May 2008 was appropriate. Parties also agree that one of the two promotions in October of 2008 was appropriate because the classification needed welding skills. The parties did not agree on the second promotion in October 2008.

The Union argued that the Company violated the provision of Agreement 01-15 by not promoting the Grievant in October 2008. The Union argued that the specific Mueller training would have made no difference as to the Grievant's qualification. The DML issued for a safety violation subsequent to the filling of the position should not be an issue in this bypass case.

The Company maintained the position that the Grievant had been away from the department for 12 years and only after he completed the plastic fusion training, Mueller training and work with the different crews in the area would he be considered qualified. The Company was not using the Operator Qualification program to bypass the Grievant. The Company opined that at this time the Grievant still needs more exposure to the work in order to be qualified for promotion.

Decision:

Based on the language in the Agreement, Subsection 305.5 (b), the employee was justifiable bypassed for The Working Foreman B position. Once the employee demonstrates the ability and personal qualification to take on the lead role he will be considered for future vacancies.



John A. Moffat, Chairman
Review Committee

2/11/2010

Date



Bob Choate, Secretary
Review Committee

2/11/2010

Date