



REVIEW COMMITTEE



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ROBIN WIX, CHAIRMAN
 DECISION
 LETTER DECISION
 PRE-REVIEW REFERRAL

KIT STICE, SECRETARY

Pre-Review Committee Number 22892 Electric Operations – Restoration and Control – Edenvale

Jodi Baxter
Company Member
Local Investigating Committee

Casey Salkauskas
Union Member
Local Investigating Committee

Subject of the Grievance

This case concerns whether or not a System Operator from the Edenvale Control Center was bypassed for a Hydro Operator – Helms position.

Facts of the Case

The grievant is a System Operator with 30 years of service. The grievant has held the System Operator classification since April 1986.

On April 29, 2013, the grievant was provided Title 206 notification related to the Electric Distribution Control Center consolidation. Subsection 206.9 provides for accelerated bidding and transfer rights (also known as “A” rights) to the same or lower classification in the Line of Progression.

The grievant had an active bid on file for the Hydro Operator – Helms dated April 10, 2014 and had indicated she had “A” rights to this position.

On November 17, 2014, the grievant was informed she did not have “A” rights to the Hydro Operator – Helms position as it is a separate Line of Progression.

Discussion

The Committee reviewed the applicable language under Subsection 206.9 Accelerated Promotion which provides for preferential consideration “...to return to a former status (includes former classification and department and/or any other intermediate classification in the department and in the Line of Progression), on an accelerated basis, Company will give preferential consideration in the following sequence to the bids and transfer applications submitted by such employees on any job vacancy:”

- (a) *Bids and transfer applications submitted by employees who formerly worked in such job classification and headquarters, and who were transferred from such headquarters, demoted from such classification,.."*
- (b) *Employees listed in Subsection (a) above who formerly worked in such job classification and Area.*
- (c) *Employees listed in Subsection (a) above who formerly worked in such job classification.*

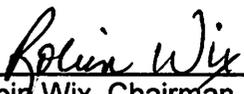
The Committee also reviewed Letter Agreement 05-22 which states, "The Hydro System Operators bidding and demotion rights are the same as those described in System Operator Letter Agreement 05-21. The current Hydro System Operators and T&D System Operators maintain their "C" rights across disciplines.....". In 2005, these two Letter Agreements separated the Lines of Progression and reverse Lines of Progression for Hydro System Operators and T&D System Operators.

The Union argued that prior to 2005 the System Operators and Hydro System Operators were the same classification and therefore the grievant in effect "formerly worked in such job classification" and would therefore maintain her "A" rights as outlined under 206.9(c) of the Physical Agreement. The Union further argued that Letter Agreements 05-21 and 05-22 maintained bidding rights across the disciplines, which would include "A" rights as outlined in Subsection 206.9.

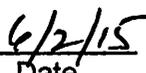
The Company argued that prior to 2005 the two positions held the same "title" of System Operator however they have always had separate classification codes and therefore are not the same "job classification" under Subsection 206.9 (a) and (c). The grievant has never held the Hydro Operator classification and therefore does not have "A" rights to this position. The Company further argued that the language of 206.9 is very clear when it refers to accelerated bidding and transfer rights within the Line of Progression. These two classifications are not within the same Line of Progression. Furthermore, the Demotion forms provided to the grievant when she was given her Title 206 notification, did not include any demotion or accelerated bidding/transfer rights to the Hydro Operator classification.

Decision

After careful review of the contractual language regarding accelerated bidding and transfer rights, the Committee agrees the grievant does not have "A" rights to the Hydro Operator classification. This case is closed without adjustment.



 Robin Wix, Chairman
 Review Committee



 Date



 Kit Stice, Secretary
 Review Committee



 Date