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**FOR INTRA - COMPANY USES**

DIVISION OR  
DEPARTMENT  
FILE NO  
RE LETTER OF  
SUBJECT

INDUSTRIAL RELATIONS  
741.5

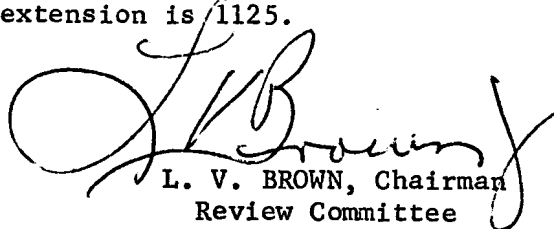
Review Committee File Nos. 1031 and 1268  
Bypass of Employees to T&D Driver Vacancies Because They  
Did Not Possess California State Class I Driver's Licenses

MR. C. A. MILLER, Chairman  
San Francisco Division  
Joint Grievance Committee

Attached is a Review Committee Decision which has been agreed upon between Company and Local 1245, I.B.E.W., with respect to Review Committee File Nos. 1031 and 1268.

Basically, the Decision upholds the Division's position that a California State Class I Driver's License is a bona fide requirement of the T&D Driver classification. It should be pointed out that in future job awards to this classification, the successful bidder must have obtained a Class I Driver's License prior to being awarded the job. As to those T&D Drivers who are unable to obtain a Class I Driver's License and will then be subject for demotion as provided for in the Decision, the Division should notify the Review Committee of the circumstances involved prior to the actual demotion.

If you have any questions regarding this Decision or need any assistance in implementing this Decision, please call D. J. Bergman of this office. His extension is 1125.

  
L. V. BROWN, Chairman  
Review Committee

DJBergman:rto

Attachment

cc: JFBonner	PMatthew
HPBraun	EJMeyers
JYDeYoung	ADowen
EBLangley, Jr.	HPPrudhomme
RKMiller	MJStone
FAPeter	ECSuess
CHSedam	HGCooke
EFSibley	SCGrubb
TVAdams	WKSnyder
RPBenton	EHWinsor, PGT
IWBonbright	Joint Grievance Committee
HJLaPlante	Chairmen
AWDefoe	Division Personnel Managers
JAFairchild	

## REVIEW COMMITTEE DECISION

Review Committee File Nos. 1031 and 1268  
San Francisco Division Grievance Nos. D.Gr/C 2-70-16  
and D.Gr/C 2-73-9

### Statement of Facts

Both of these grievances involve the bypass of employees to T&D Driver vacancies because they did not possess California State Class I Driver's Licenses. A Class I License is required for towing a loaded cargo trailer weighing over 6,000 gross pounds.

### State of the Issue

The unresolved issue in these grievances comes down to this question:

Is the possession of a Class I Driver's License a prerequisite to appointment to the T&D Driver classification?

The Union argues at the local level that the possession of a Class I License was never intended as a prerequisite for appointment to the classification either on a temporary or permanent basis inasmuch as the requirement is not spelled out in the T&D Driver Job Description. The Union further argues that the Divisions have been inconsistent in their application of this requirement.

### Discussion

Before the Review Committee could resolve the grievances, it was necessary to ascertain when and how often a T&D Driver would be required to possess a Class I Driver's License during the normal operation of a line truck and cargo trailer. After considerable discussion, it is the finding of the Review Committee that system-wide Class I Licenses are routinely required, for example, situations when loaded cargo trailers exceeds 6,000 pounds gross weight.

After considering several alternatives and in order to reach a settlement in these cases, the Review Committee agrees that the answer to the problem and the grievances must come from the negotiated Job Description of the T&D Driver classification which reads in part:

"(an) Employee who drives a truck, maneuvers it at the job as required in connection with the construction, maintenance and operation of electrical overhead and underground facilities ...."  
(emphasis added)

The initial requirement then is to get the truck and its added equipment to and from the job site in compliance with the licensing laws of the State and Federal agencies.

Decision

1. Inasmuch as the grievants in both cases either have obtained a Class I Driver's License or are no longer in the Line of Progression, the issues in the grievances are moot. However, it is the decision of the Review Committee that the Class I Driver's License is a bona fide requirement of the T&D Driver classification.

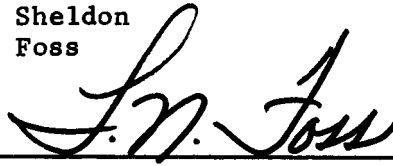
2. As to those present T&D Drivers who do not possess a Class I Driver's License, they will be given one year from the effective date of this decision to obtain a Class I Driver's License or at that time be demoted from the classification pursuant to the provisions of Title 206. The only exception would be in situations where the work is routinely scheduled in such a manner that the driver's assignment does not require a Class I Driver's License for a specific crew or truck.

3. In situations involving drivers other than T&D Drivers where a Class I Driver's License is required and the assigned driver does not possess the required license, either the driver assignment or the load will have to be changed to comply with the State Vehicle Code.

FOR UNION:

W. H. Burr  
E. R. Sheldon  
L. N. Foss

By



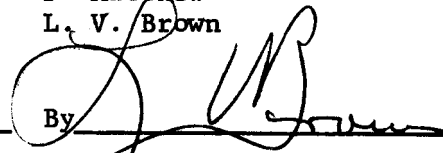
Date

3-25-75

FOR COMPANY:

J. A. Fairchild  
P. Matthew  
L. V. Brown

By



Date

3-25-75

T&D DRIVERS WITH CLASS I DRIVERS LICENSE

<u>Division</u>	<u>Headquarters</u>	<u>No. of T&amp;D Drivers</u>	<u>No. of Class I Drivers Licenses</u>	<u>No. Unable to Pass Physical</u>
COAST VALLEYS	Salinas	8	31	0
	Monterey	10		
	Hollister	2		
	King City	2		
	Paso Robles	3		
	San Luis Obispo	4		
	Morro Bay	3		
	Santa Maria	5		
	Sub-Total	<u>37</u>	<u>31</u>	<u>0</u>
COLGATE	Marysville	5	8	0
	Oroville	3		
	Colusa	2		
		Sub-Total	<u>10</u>	<u>8</u>
DE SABLE	Chico	6	8	0
	Orland	1		
	Quincy	1		
		Sub-Total	<u>8</u>	<u>8</u>
DRUM	Auburn	8	9	0
	Nevada	4		
		Sub-Total	<u>12</u>	<u>9</u>
EAST BAY	Richmond	8	37	0
	Oakland	18		
	Concord	16		
	Antioch	5		
	Walnut Creek	6		
	Hayward	7		
	Fremont	4		
	Livermore	5		
		Sub-Total	<u>69</u>	<u>37</u>
HUMBOLDT	Eureka	6	3	0
	Garberville	1		
	Fortuna	2		
	Willow Creek	1		
		Sub-Total	<u>10</u>	<u>3</u>

Division	Headquarters	No. of T&D Drivers	No. of Class I Drivers Licenses	No. Unable to Pass Physical
NORTH BAY	San Rafael	14	33	0
	Vallejo	5		
	Napa	5		
	Silverado	3		
	Santa Rosa	12		
	Petaluma	4		
	Sonoma	3		
	Healdsburg	4		
	Guerneville	1		
	Ukiah	4		
	Willits	2		
	Lakeport	3		
	Clearlake Highlands	3		
	Fort Bragg	2		
	Point Arena	1		
	Sub-Total	66		
SACRAMENTO	Sacramento	1	12	0
	Placerville	3		
	Vacaville	4		
	Rio Vista	1		
	Woodland	4		
Sub-Total	13	12	0	
SAN FRANCISCO	San Francisco	10	16	0
	San Mateo	6		
	Sub-Total	16		
SAN JOAQUIN	Fresno	13	57	1
	Bakersfield	14		
	Taft	1		
	Wasco	4		
	Selma	6		
	Coalinga	2		
	Corcoran	2		
	Lemoore	1		
	Dinuba	4		
	Merced	4		
	Mariposa	1		
	Los Banos	3		
	Madera	3		
	Oakhurst	1		
Sub-Total	59	57	1	

Division	Headquarters	No. of T&D Drivers	No. of Class I Drivers Licenses	No. Unable to Pass Physical
SAN JOSE	Santa Cruz	14	45	1
	Watsonville	4		
	Gilroy	4		
	Belmont	14		
	San Mateo	5		
	Half Moon Bay	2		
	Cupertino	20		
	San Jose	14		
	Lewis Road	7		
	Sub-Total	84		
SHASTA	Red Bluff	5	16	0
	Redding	9		
	Burney	1		
	Weaverville	1		
	Hayfork	1		
	Sub-Total	17		
STOCKTON	Stockton	11	20	0
	Lodi	2		
	Manteca	3		
	Angles Camp	3		
	Jackson	3		
	Sonora	4		
	Newman	2		
	Oakdale	2		
Sub-Total	30	20	0	
TOTAL		431	295	2