

# REVIEW COMMITTEE

## PG and E

PACIFIC GAS AND ELECTRIC COMPANY  
245 MARKET STREET, ROOM 444  
SAN FRANCISCO, CALIFORNIA 94106  
(415) 781-4211, EXTENSION 1125

## IBEW

INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS, AFL-CIO  
LOCAL UNION 1245, I.B.E.W.  
P.O. BOX 4790  
WALNUT CREEK, CALIFORNIA 94598  
(415) 933-6060  
L.N. FOSS, SECRETARY

D.J. BERGMAN, CHAIRMAN

### REVIEW COMMITTEE DECISION

- DECISION  
 LETTER DECISION  
 PRE-REVIEW REFERRAL

Review Committee File No. 1467-79-9  
Fact Finding Committee No: 1157-79-98  
Shasta Division Grievance No. 13-85-79-5

### Subject of the Grievance

This case involves a grievance filed on behalf of a Substation Maintenance Helper at Round Mountain Substation requesting that the grievant be upgraded to Electrician while working in an elevated position.

### Discussion

The Review Committee notes that resolution of Review Committee File No. 1431 provides the basis on which grievances involving the above subject could be resolved. The Committee notes in the present case, however, that there is a substantive conflict in the evidence provided in terms of whether or not Helpers had worked in elevated positions in the past in Shasta Division, and whether or not they had been upgraded to Electrician while performing Helper's duties. Information contained in Review Committee File No. 1431-78-18 indicated that Shasta Division Substation Helpers had not worked off the ground except in one instance where the Helper was working as an Electrician and was so compensated. The Joint Statement of Facts in this case, however, indicates that Helpers have worked in elevated positions on numerous occasions, and on certain of these occasions, were upgraded to Electrician. The grievant's testimony in this case differs from that of the supervisor's in terms of the reasons for the upgrade. One of the grievants testified that he has worked in an elevated position as a Helper and was paid as an Electrician. Company's supervision, however, maintains that it has been their policy not to upgrade Helpers merely because they are performing work in an elevated position, and further, if one of the grievants was upgraded to Electrician merely because he was working off the ground, that he should not have been.

### Decision

The Review Committee is not in the best position to resolve this particular grievance and is, therefore, returning the case to the Local Investigating Committee to settle on the following basis: The Local Investigating Committee should determine what the past practice has been in Shasta Division in terms of upgrading Helpers when working in an elevated position and settle this present case on that basis. Regardless of the settlement of this case, the Review Committee advises that future situations of this nature will be dealt with in accordance with the decision reached in Review Committee File No. 1431-78-18.

#### FOR COMPANY:

F. C. Buchholz  
J. B. Stoutamore  
D. J. Bergman

By *D.J. Bergman*  
Date 9-26-79

#### FOR UNION:

G. W. Abrahamson  
W. H. Burr  
L. N. Foss

By *L.N. Foss*  
Date 9-26-79

# PACIFIC GAS AND ELECTRIC COMPANY

PG&E + 814 MAIN STREET • BOX 340 • RED BLUFF, CALIFORNIA 96080 • (916) 527-5880

R. J. LARUE, JR.  
DIVISION MANAGER

January 17, 1980

Mr. R. M. Hafner  
Business Representative, Local 1245 IBEW  
1915 Continental Street  
Redding, California 96001

Dear Mr. Hafner:

On October 2, 1979, the Review Committee returned **Grievance No. 13-85-79-5**, to the Local Investigating Committee to resolve the following issue: "What has the past practice been in **Shasta Division** in terms of upgrading Helpers when working in an elevated position?" They also requested that the L.I.C. settle the case on the basis of these findings.

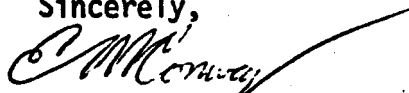
Since that time, you and I have had numerous meetings to attempt to resolve that question. However, it would appear that despite our good-faith efforts at reaching an answer to that question, that both parties are polarized to the point where it is impossible to conclusively determine what the past practice was. The Company position is still an adamant "No, we have not upgraded Helpers to Electricians just because they were in a climbing position. We have only upgraded them when they have done Electrician's work." On the other hand, the Union's position has also remained quite firm that "Yes, the Company has upgraded Helpers to Electricians because they were placed in an elevated position."

You and I have agreed that so much time has elapsed since the dates mentioned in the L.I.C. that it is not possible to find out what kind of work (Electrician claims that it was Helper's work that was done and Company claims that the work done was Electrician's work.

Because we have not been able to do as the Review Committee requested, it would appear that the only way to settle this grievance is in the form of a compromise; therefore, Company proposes to settle this grievance by offering to pay the grievant, Mr. Nunes, for two days, January 16 and 17, 1979, at the Electrician's rate of pay.

If you are in agreement with this proposal to close Shasta Division Grievance 13-85-79-5, please sign in the space provided below and return a copy of this letter to me at your earliest convenience. If you have any questions, please give me a call.

Sincerely,

  
E. M. Conway  
Division Personnel Manager  
EMC:con

Mr. R. M. Hafner  
January 17, 1980  
Page 2

W. E. Odneal ..... 1-23-80  
W. E. Odneal Date

Union agrees to close Shasta Division Grievance No. 13-85-79-5 as outlined above without prejudice to Union's initial position.

R. M. Hafner ..... 1-30-80  
R. M. Hafner Date

R. Fineran ..... 1-28-80  
R. Fineran Date

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## REVIEW COMMITTEE DECISION

- DECISION  
 LETTER DECISION  
 PRE-REVIEW REFERRAL

Review Committee File No. 1431-78-18  
Fact Finding Committee No. 689-77-286  
San Joaquin Division Grievance No. 25-120-77-55

### Subject of the Grievance

This case concerns the assignment of a maintenance crew during the period of September 21 through September 27, 1977, while extending the bus structure at Kerman Substation. The grievant, a Maintenance Helper, is contending that as a result of working in an elevated position either alone or while assisting a crew by working from a ladder or working on the bus structure, that he should be paid at the Journeyman rate of pay of Electrician.

### Discussion

The Review Committee, after considerable discussion, recognizes that the job definition of the Maintenance Helper classification primarily requires an employee to assist a Journeyman or an Apprentice in station construction or maintenance and does not specifically prohibit the employee from working in an elevated position. The Committee independently surveyed the system relative to Helpers working in elevated positions and determined that each Division virtually had established its own practice, and the Review Committee concludes that system-wide practice is inconsistent at best. Being realistic, the Review Committee recognizes that in order for Helpers to assist other employees at one time or another, they must work in elevated positions. Certainly, it would not be proper to assign a Helper a task which is beyond his experience and capabilities that would place him in proximity to energized conductors and/or that would require the Helper to be a qualified climber requiring special climbing tools. On the other hand, restricting the Helper from assignments involving elevated structures would virtually eliminate his usefulness when the Journeyman or Apprentice is working in elevated positions.

The specific issue contained in this grievance is the propriety of the Helper assisting others while working in an elevated position, and that issue cannot be simply answered without carefully reviewing the work assignments of the grievant. In those cases where he clearly was assisting a Journeyman or others, the fact that he worked from a ladder or bus structure or scaffolding would not be a violation of the Agreement, and

in those cases where he was performing skilled work contained in the Job Definition of the Journeyman or others, then he was working beyond the scope of the Helper's Job Definition and entitled to an adjustment.

Decision

In view of the foregoing, the Review Committee is returning this case to the Local Investigating Committee for their determination on a day-to-day basis of the work performed and, if necessary, make adjustments accordingly. However, as to the issue of the Helper assisting others while in an elevated position, this standing by itself, is not a violation of the Labor Agreement.

FOR COMPANY:

F. C. Buchholz  
J. B. Stoutamore  
D. J. Bergman

FOR UNION:

G. W. Abrahamson  
W. H. Burr  
L. N. Foss

By *D. J. Bergman*

Date 5-10-79

By *L. N. Foss*

Date 5-10-79