



REVIEW COMMITTEE

7.1 & 612.2 : Trans. Cableperson discharged for loss of driver's license, reinstated as Cable Splicer with partial backpay.



IBEW

PACIFIC GAS AND ELECTRIC COMPANY
201 MISSION STREET, ROOM 1508
MAIL CODE P15B
P.O. BOX 770000
SAN FRANCISCO, CALIFORNIA 94177
(415) 973-8510

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CASE CLOSED
FILED & LOGGED

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W
P.O. BOX 4790
WALNUT CREEK, CALIFORNIA 94596
(510) 933-6060
R.W. STALCUP, SECRETARY

JOHN A. MOFFAT, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

Review Committee File No. 1780
Peninsula Division Grievance No. Bel-94-42

Grievance Issue: Discharge of a Transmission Cableman for loss of driver's license.

Facts of the Case: The grievant was a 21 year employee who had worked in various Electric T&D classifications including Cable Splicer.

On March 4, 1994, the grievant informed his supervisor that he lost his driver's license as a result of a DUI arrest. On March 11, 1994, the supervisor and the grievant met to discuss the license suspension at which time the grievant informed the supervisor that his license was suspended for three years.

The supervisor suspended the grievant upon hearing that the driver's license was revoked for three years.

The Groundman classification no longer existed at the headquarters and there was no Section 206.15 option available. On April 27, 1994, a Cableman from San Francisco was awarded the position the grievant vacated.

The only Section 206.15 displacement was to a vacant Night Cable Splicer in San Francisco. The Company determined that they could not accommodate the grievant. On May 4, 1994, the grievant was terminated.

Discussion: The Union opines that the Company should have accommodated the grievant's loss of license by working him with a T&D Equipment Operator in his own headquarters, or by pairing him with a Cable Splicer in San Francisco Division, or via a vacancy in Distribution Construction. The Union states that the grievant's termination was without just cause.

The Company opines that it attempted to accommodate the grievant pursuant to Section 206.15. However, although the Company has accommodated the grievant for his loss of license in the past, because the grievant lost his drivers' license for three years and because of the recent elimination of beginning level classifications, an accommodation in this case was not possible. A "vacancy" was not created by the promotion of the San Francisco Cableman to the grievant's position because

San Francisco Division did not intend to fill behind the department Cableman; instead, San Francisco Division created a Night Cable Splicer vacancy which requires a drivers' license. San Francisco Division could not place the grievant in that position due to his loss of license, the duration of such, and the fact that the vacancy required a class A license. All 6 Night Cable Splicer incumbents in San Francisco Division hold licenses and drive their own vehicles to meet other crews. In addition to attempts to accommodate the grievant via 206.15, the Company also contacted Distribution Construction and was informed that they, too, could not accommodate the grievant for the duration of his lost license.

Since the filing of the grievance, three day Cable Splicer vacancies have been posted to be filled. Company still believes that the Night Cable Splicer requires driving. An offer to reinstate the grievance effective the date (4/1/95) when the day position becomes available was made by the Company.

Disposition: The Committee agreed to return the grievant with back pay to April 1, 1995. The grievant will be placed on day shift, Tuesday - Saturday or Monday - Friday schedule, pending discussion between the parties.

This case is closed without further adjustment.



John A. Moffat, Chairman
Review Committee

7/17/95
Date



Roger W. Stalcup, Secretary
Review Committee

7/14/95
Date