

REVIEW COMMITTEE

PG and E

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D.J. BERGMAN, CHAIRMAN

IBEW 

INTERNATIONAL BROTHERHOOD OF
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LOCAL UNION 1245, I.B.E.W.
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WALNUT CREEK, CALIFORNIA 94596
(415) 933-6060
L.N. FOSS, SECRETARY

- DECISION
 LETTER DECISION
 PRE-REVIEW REFERRAL

General Construction Grievance Nos. 3-364-78-15,
3-367-78-18, 3-371-78-22 and 3-375-78-26
P-RC 347, 348, 349 and 350

June 2, 1978

MR. J. A. CATES, Company Member
General Construction
Local Investigating Committee

MR. R. STALCUP, Union Member
General Construction
Local Investigating Committee

Statement of the Cases

The above-subject cases involve meals, upgrade pay, and reimbursement for certain personal expenses. At the outset, however, each of the grievances raise an initial question of whether they were timely filed.

Discussion


The preliminary issue falls within Subsection 102.6(2) of the Agreement, e.g., whether the grievances were "filed not later than 30 calendar days after the date of the action complained of." More narrowly, do the time limits start to run from (1) when the Business Representative dates the form, (2) the date of mailing, or (3) the date received by the General Construction Personnel Department. Historically, the time limits are calculated from the date of the action complained of to the date the written grievance is received by the Personnel Department. While the system has worked well in the Divisions, there has been a continuing controversy in General Construction as to which should apply. Recognizing that the widespread operation of General Construction raises problems not associated with the Union-Division activity, it would appear to us that the more appropriate measure should be the date indicated by the post office that the grievance was put into transmission. That might be either a postmark on the envelope or the receipt date of certified mail. Where the post office date mark cannot be ascertained, then the date received in the General Construction Personnel Department will govern.


Decision

The above rule will be applicable from the date this Decision is executed by the Union. The cases, however, will be settled in the following manner:

- Pre-Review Committee File No. 347 - denied.
- Pre-Review Committee File No. 348 - denied.
- Pre-Review Committee File No. 350 - denied.

Pre-Review Committee File No. 349 - will be returned to the Department to determine if the basic issue as to the proper rate of pay will be sustained or denied. If sustained, however, the employee will be entitled to reimbursement only for the period of 30 calendar days preceding January 27.


 L. V. BROWN
 For the Company


 L. N. FOSS
 For the Union

Date 6-5-78

Date 10-3-78

LVB:rto

- cc: IWBonbright
- CHSedam
- HGCooke
- DJBergman
- PNLong