

REVIEW COMMITTEE

PG and E

IBEW 

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L.N. FOSS, SECRETARY

D.J. BERGMAN, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

General Construction Grievance No. 3-540-79-29
P-RC 482
Placement of Equipment Mechanics on Night Shift
General Construction Grievance No. 3-333-77-204
P-RC 356
Method of Selection For Day Shift, Apprentice
Equipment Mechanics

October 29, 1979

MR. W. FUNABIKI, Chairman
General Construction
Joint Grievance Committee

Statement of the Case - P-RC 482

The grievance concerns the transfer of three Equipment Mechanics from the day shift to the night shift at General Construction Service Center in Oakland.

The Union's grievance contends that the transfers were not made in accordance with past practice and, therefore, that the grievants should be returned to the day shift and paid at the overtime rate of pay for the time spent on the night shift.

Subsequent to the filing of the grievance, but at different times, the grievants either transferred from the facility or in one instance returned to the day shift.

Discussion

P-RC 482

The Joint Statement of Facts signed by the Company and the Union contain unrefuted statements of the Garage Foreman that the transfers to the evening shifts of Messrs. Thompson and Escalante had been planned two weeks before the changes were effective to provide each with additional experience in hydraulic work on line trucks. The Foreman further stated that while it would have been possible to have provided the instruction on the day shift, the evening shift provided a more suitable climate for such training. The third grievant had been scheduled to transfer to Davis prior to the change to the night shift, and the purpose for his change was to permit him to windup a job faster in order to effect his transfer.

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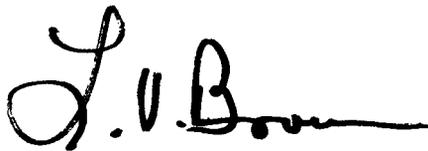
P-RC 356

The complaint in this matter deals with the "past practice" alleged in P-RC 482.

In each case, the grievants place reliance on an alleged past practice of transferring employees to the evening shift on seniority principles. The allegation was denied by the Company but more importantly, Union has produced no evidence in the record to support the allegation. Thus, as the Labor Agreement (Title 302) does not restrict such transfers and as a contrary past practice has not been demonstrated, and more significantly in that the reasons set forth in the record for the transfers based on what seems to be a legitimate business purpose, it is the opinion of the Committee that the grievances are without merit.

Decision

While the grievance issues referred to the Review Committee are denied for the reasons stated above, this decision obviously does not settle the question of how such assignments should be made. Therefore, the Committee recommends that the Joint Grievance Committee continue their discussions and efforts to establish an acceptable policy to transfer between day and night shifts.



L. V. BROWN
For the Company



L. N. FOSS
For the Union

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cc: DABrand
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