

REVIEW COMMITTEE

PG and E

IBEW 

PACIFIC GAS AND ELECTRIC COMPANY
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INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W.
P.O. BOX 4790
WALNUT CREEK, CALIFORNIA 94596
(415) 933-6060
L.N. FOSS, SECRETARY

D.J. BERGMAN, CHAIRMAN

General Construction Grievance No. 3-341-77-212
P-RC 375
Alleged Bypass of Field Garage Mechanic C

- DECISION
 LETTER DECISION
 PRE-REVIEW REFERRAL

January 26, 1979

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

MR. W. E. HARRIS, Union Member
General Construction
Local Investigating Committee

Statement of Facts

The grievance concerns the filling of a Field Garage Mechanic B position in General Construction. The Joint Statement of Facts indicates that the grievance was filed on December 6, 1977, and involved the hiring of G. D. Mattos as a Field Garage Mechanic B, thus, bypassing the grievant, A. Cadinha, Field Garage Mechanic C. The Union protests the appointment to Mattos over Cadinha and requests retroactivity to August 24, 1977, the date Mattos apparently filled the job. The Company responded that the grievant was not qualified for the promotion on August 24, 1977.

The grievance was received by the General Construction Joint Grievance Committee on January 20, 1978.

Discussion

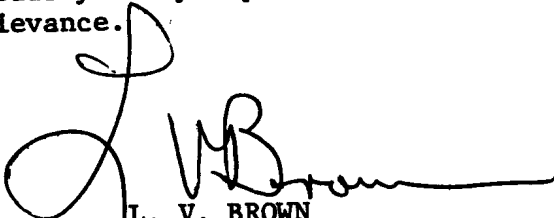
The case has been referred to the Review Committee on a Joint Statement of Facts as essentially set forth above. The Pre-Review Committee is more than somewhat puzzled over two aspects of this referral; first, and foremost, accepting the few facts given, it would appear that the grievance was not timely filed. The record evidences that the bypass action took place on August 24, 1977, but a grievance was not filed until December 6, 1977. Therefore, unless the Joint Grievance Committee provides an acceptable reason for the late filing, the Joint Grievance Committee must declare the grievance invalid and close the file.


The second concern involves the 6-month delay between the time the grievance was filed, even if timely, and the referral to the Pre-Review Committee. For whatever reason, the Review Committee is now left with stale facts and possible inaccurate recollections and unavailability of records upon which to make a fair determination of the Company's action.

Decision

The Pre-Review Committee will retain jurisdiction of the case. In turn, the Joint Grievance Committee will inform the Pre-Review Committee, within 15 days of receipt of this decision, as to whether the grievance was timely filed, or if they are unable to mutually resolve that question, the mutually agreed facts upon which this Committee may make a decision as to that question.

It is further expected that the Committee will furnish some explanation, mutually or by separate statements, explaining the delay in processing the grievance.


L. V. BROWN
For the Company


L. N. FOSS
For the Union

Date _____

Date _____

LVB:jac

cc: RSBain
LCBeanland