

REVIEW COMMITTEE**PG and E****IBEW** 

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

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
 R.W. STALCUP, SECRETARY

D.J. BERGMAN, CHAIRMAN

RECEIVED SEP 17 1980

- DECISION
 LETTER DECISION
 PRE-REVIEW REFERRAL

General Construction Grievance Nos. 3-383-78-34
 and 3-384-78-35

Pre-Review Committee No. 496

Failure to Call Back From Inclement Weather, Jellioff, et al

September 11, 1980.

MR. R. S. BAIN, Chairman
 General Construction
 Joint Grievance Committee

Statement of the Case

The grievances concern the Company's layoff of certain General Construction Gas Department employees because of inclement weather.

While the Company and Union members of the Local Investigating Committee could not agree to a Joint Statement of Facts, each submitted separate versions of testimony taken, the separate reports are not critically irreconcilable.

Grievance 3-383-78-34: There is no dispute that the crew was sent home on February 13 and returned on February 21, 1978, as previously instructed. The crew was involved in replacing several miles of existing underground gas transmission pipelines. The work in progress involved the use of heavy equipment to handle pipes and excavate a trench. While it is disputed that Williams, an Exempt Foreman, field checked the job site each day (February 16 and 17, the two days in controversy) it is agreed that he testified that "in his opinion the ground had reached a point of saturation and would not take any more water--that he had made attempts to find other work, for most of his crews were off because of rain".

Grievance 3-384-78-35: On Monday, February 6, 1978, E. Rodrigues, Exempt Foreman, sent home because of inclement weather all nine (9) crews under his supervision in the Fremont area and instructed them not to return to work until Tuesday, February 21, 1978, the day after a scheduled holiday.

Union alleged that one crew was not called back to work on the earliest day possible as provided under Section 303.5 of the Agreement. Specifically, Union stated that one crew could have performed safe and productive work on February 15, 16 and 17 at their regular job site inasmuch as most of the work was complete and the crew could have installed service splice boxes. Union asked "that Mr. Crawford

and his crew members be reimbursed for all wages lost as a result of Company's failure to call them back after weather and ground conditions improved."

Exempt Area Foreman Rodrigues stated that his decision to send all crews home was based on his survey of all the jobs in his area on which, in his judgment, ground conditions and continued rain made it impractical to work productively or safely. Mr. Rodrigues maintained that he checked all of the jobsites daily during the period his crews were off.

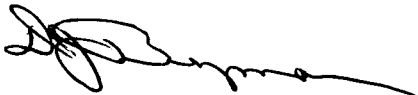
Discussion

The Pre-Review Committee has carefully examined the separate Statements of Facts in each of the above cases. Significant to this decision in the testimony, in grievance 3-383-78-34, of Exempt Foreman Jesse Williams, Bargaining Unit Foreman M. R. Hansen and Bargaining Unit Employee Ron Koshmeider, who is also a Shop Steward. Each testified that the crew could not have worked on the assigned project. Further, Williams testified that, as a result of his daily inspection of the job site, in his judgment, ground conditions made it impractical to work productively or safely. The record submitted to the Committee indicates the issue in grievance 3-384-78-35 followed the same procedure: that is, as a result of a daily inspection of the job site by Exempt Foreman Rodrigues, in his judgment ground conditions made it impractical to work productively or safely.

Decision

On the basis of a review of the above stated facts, it is the opinion of the Committee that there has been no violation of Section 303.5 of the Agreement. The case is closed without adjustment.

FOR THE COMPANY:



D. J. BERGMAN, Chairman
Review Committee

FOR THE UNION:



R. W. STALCUP, Chairman
Review Committee

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