

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

CASE CLOSED FEB 24 1981
LOGGED AND FILED

D.J. BERGMAN, CHAIRMAN

☐ DECISION
☐ LETTER DECISION
☒ PRE-REVIEW REFERRAL

San Francisco Division Grievance No. 2-438-79-45
P-RC 572
Accepting Reassignment Involuntarily

February 23, 1981

MR. G. D. LAWSON, Company Member
San Francisco Division
Local Investigating Committee

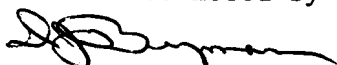
MR. E. VALLEJO, Union Member
San Francisco Division
Local Investigating Committee

The above-subject grievance has been discussed by the Pre-Review Committee prior to its docketing on the agenda of the Review Committee and is being returned, pursuant to Step Five A(ii) of the grievance procedure, to the Local Investigating Committee for settlement in accordance with the following:


As a result of the 1974/1975 Division Clerical Job Level Study, a Clerk C position in the Electric Department of San Francisco Division was noted as RWV. On April 23, 1979, the grievant, Clerk C (RWV), was notified that he was being assigned the duties of a vacant Clerk C position in the same Department. The vacant Clerk C position had earlier been evaluated as part of the Division study and had been designated as a "firm" Clerk C position. The employee involved grieved, claiming that this was a change of working conditions to his disadvantage.

The Committee notes that the Joint Statement of Facts contains offers made to the employee, some of which were appropriate and others which were not. Those deemed to be inappropriate were: the offer of Title 19 displacement rights to a vacant Clerk C position in the Substation Maintenance Department; demotion to Clerk D in his present position, contingent on his refusal to accept the new duties or the Clerk C Substation Maintenance. The appropriate option presented to the employee, was to accept the reassignment of the duties of the vacant Clerk C position. This option, the Committee agrees, was consistent with Review Committee File No. 1396 and a previous San Francisco grievance settlement, Fact Finding No. 280-76-82. The employee does, of course, have the option of refusing to accept the "new duties" at which point, however, the employee runs the risk of being charged with insubordination for which there are other appropriate remedies. On the basis of the above, however, the Committee concludes that the grievant, while accepting the new duties under protest, was otherwise properly assigned.

This case is considered closed on the basis of the foregoing, and the closure should be so noted by the Local Investigating Committee.



D. J. BERGMAN, Chairman
Review Committee



R. W. STALCUP, Secretary
Review Committee

PEPettigrew(1123):ml

cc: JAFairchild	IWBonbright	NRFarley	CPTaylor
MEBadella	LVBrown	CAMiller	RCTaylor
LCBeanland	FCBuchholz	JBStoutamore	Division Personnel Managers
LBlandford	RHCunningham	WKSnyder	

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L.N. FOSS, SECRETARY

L.V. BROWN, CHAIRMAN

- ☐ DECISION
☒ LETTER DECISION
☐ PRE-REVIEW REFERRAL

Review Committee File No. 1396-75-25
San Francisco Division Grievance No. LIC 2-75-35
Clerical Jobs "RWV" Filling of Clerk A

February 17, 1976

MR. G. D. LAWSON, Company Member
San Francisco Division
Local Investigating Committee

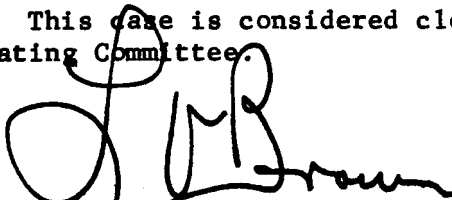
SHIRLEY SMITH, Union Member
San Francisco Division
Local Investigating Committee


The above-subject grievance has been discussed by the Review Committee and is being returned to the Local Investigating Committee for settlement in accordance with the following:

The case concerns the filling of a Clerk A vacancy, Gas Department, San Francisco Division. The issue in dispute is whether the Company violated the provisions of Title 18 of the Clerical Agreement by assigning the grievant to take the Clerk A position in the Gas Department. The Joint Statement of Facts indicates that the grievant submitted a prebid in July of 1975 to the vacancy in question, indicating his willingness to fill that position, even though he later accepted the assignment allegedly under duress with the assumption that if he refused, he would be demoted.

In view of the unusual circumstances involved in this case, the Review Committee must look to the Labor Agreement for a settlement. The record is clear that the grievant submitted a prebid for the job in question and as of the date of reassignment had not withdrawn the bid. Further, his regular classification at the time was Clerk A, Electric Department, and the reassignment to Clerk A, Gas Department, then in effect was one of a discretionary assignment by Company, pursuant to Section 18.6 of the Clerical Agreement. Therefore, the Review Committee is of the opinion that the reassignment of the grievant was contractually proper, notwithstanding the respective unchanged positions of the parties relative to the transferring of employees designated as "Review When Vacant."

This case is considered closed and should be so noted by the Local Investigating Committee.


L.V. BROWN, Chairman
Review Committee


L. N. FOSS, Secretary
Review Committee

DJBergman:rto

cc: JHBlack
IWBonbright
JAFairchild
PMatthew
ADOwen
Personnel Managers