

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

PACIFIC GAS AND ELECTRIC COMPANY  
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**IBEW** 

INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS, AFL-CIO  
LOCAL UNION 1245, I.B.E.W.  
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WALNUT CREEK, CALIFORNIA 94596  
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R.W. STALCUP, SECRETARY

**CASE CLOSED** MAR 16 1983  
**LOGGED AND FILED**

D.J. BERGMAN, CHAIRMAN

- DECISION  
 LETTER DECISION  
 PRE-REVIEW REFERRAL

General Construction Grievance Nos. 3-1093-82-52 & 3-1091-82-50  
P-RC Nos. 784 & 788

March 16, 1983

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

MR. G. VALLEY, Chairman  
General Construction  
Joint Grievance Committee

Facts of the Cases

In late March, 1982, three former Gas Construction employees who had been laid off due to lack of work were rehired as Helpers in the Gas Construction Department. Former Gas Construction employees who had not been laid off, but who had previously displaced into beginning level classifications in other General Construction Departments, pursuant to Subsection 306.5(b) of the Agreement, were not offered the Helper jobs into which the three laid off employees were rehired.

Discussion and Decision

The Union claimed that, when employees are displaced from one General Construction Department to another under Title 306 of the Agreement, they should be afforded preferential rights, under Section 306.9 of the Agreement, to return to their former lines of progression in the Departments from which they were displaced. The Union, therefore, opined that the Helper jobs into which the three laid off employees were rehired should have been offered to the three employees who were previously displaced from Gas Construction.

The Company initially opined that Section 306.9 applies only to promotions occurring 1) in the line of progression in which the affected employee was demoted, and 2) in the General Construction Department in which the employee currently is working; therefore, Company also initially claimed that Section 306.9 is not applicable to inter-Department transfers.

However, after several discussions, in various forums, about the intended applicability of Section 306.9, Company concluded that employees should have preferential rights, under Section 306.9, to return to beginning level classifications in the lines of progression and Departments from which they were displaced pursuant to Title 306, provided that such employees submit written requests for such transfers before job offers are made to other individuals. As a result, in April 1982, the General Construction Personnel Department sent the following communication to all General Construction employees:

"If you have been transferred from one General Construction Department to another under the demotion and layoff provisions of Title 306 of the IBEW

Agreement and wish to return to your former Department(s) and line(s) of progression, you must submit to the General Construction Personnel Department, Room 6C16, 345 Mission Street, San Francisco, California 94106, a written request to make such transfer. Employees who have not made such written request will not be considered for placement in their former Department(s) and line(s) of progression."

Additionally, in January 1983, Company reviewed its transfer records and identified those employees who were eligible to return to their former Departments under the provisions of Title 306 but who had not submitted transfer requests to do so. In February 1983, the General Construction Personnel Department sent a letter to all such employees; the letter reminded the employees that they must submit written requests to General Construction Personnel in order to be considered for inter-Department placement under Title 306.

The Pre-Review Committee examined the recent career histories of the three employees with the most Company Service among the former Gas employees who displaced into other Departments. These career histories are:

H. Pierce (Hired 10/28/68)

1/12/81 - Miscellaneous Equipment Operator B - G.C. Gas  
 1/25/82 - Helper - G.C. Gas  
 2/22/82 - Helper - G.C. Station  
 5/3/82 - Truck Driver - G.C. Station

He has not submitted a request to return to G.C. Gas.

M. Oliver (Hired 11/21/68)

10/19/81 - Miscellaneous Equipment Operator B - G.C. Gas  
 1/25/82 - Helper - G.C. Gas  
 2/5/82 - Field Garageman - G.C. Mechanical Services

He has not submitted a request to return to G.C. Gas.

M. Estorga (Hired 11/27/68)

3/2/81 - Miscellaneous Equipment Operator B - G.C. Gas  
 1/25/82 - Helper - G.C. Gas  
 2/11/82 - Helper - G.C. Station  
 5/20/82 - Engineer's Aid - G.C. Station

He was offered a job in G.C. Gas but declined the offer.

The Pre-Review Committee also examined the recent career history of the only named grievant in these cases, M. Sullivan (Hired 6/7/71). A summary of his recent career history follows:

12/17/80 - Miscellaneous Equipment Operator B - G.C. Gas  
 2/25/81 - Helper - G.C. Gas

12/31/81 - Helper - G.C. Station  
2/18/82 - Kitchen Helper A - G.C. Personnel and Clerical Services  
4/29/82 - Helper - G.C. Station  
6/1/82 - Helper - G.C. Civil-Hydro  
7/12/82 - Helper - G.C. Line  
10/18/82 - Industrial Compensation Payroll

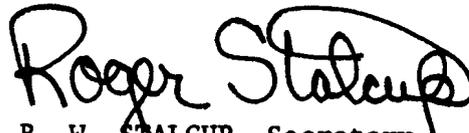
On April 20, 1982, the grievant submitted to Company a written request to return to G.C. Gas; that request is still on file in Company's records, and is still valid.

Company representatives told the Pre-Review Committee that, under Company's current practices, an employee who declines an offered transfer to a Department and line of progression from which he was displaced under Title 306 loses all preferential transfer rights to such Department; however, if an employee has been displaced from more than one Department under Title 306 and subsequently declines a job offer in one of his former Departments and line(s) of progression, his Title 306 rights to return to the other Department(s) from which he was displaced are unaffected, Company representatives said.

The Union examined Company's latest conclusions and activities with respect to Title 306 (as set forth in the preceding paragraphs), and found them acceptable. Union added, however, that employees should be notified at the time they are displaced out of a General Construction Department that they must submit written requests to return to that Department in order for them to have preferential 306.9 rights to do so. Company agreed to so notify such displaced employees in the future.

On the basis of the foregoing, these cases are closed without further adjustment.

  
D. J. BERGMAN, Chairman  
Review Committee

  
R. W. STALCUP, Secretary  
Review Committee

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