

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.
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 R.W. STALCUP, SECRETARY

**CASE CLOSED
 LOGGED AND FILED**

D.J. BERGMAN, CHAIRMAN

JAN 28 1983

- DECISION
 LETTER DECISION
 PRE-REVIEW REFERRAL

General Construction Grievance No. 3-1084-82-43
 P-RC 787

January 27, 1983

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

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

Facts of the Case

This case concerns Company's layoff of a Station Construction Helper without giving him an opportunity to displace another Helper with less Company Service.

On December 15, 1981, the grievant was promoted from Helper to Heavy Truck Driver. The Company later determined that another employee, who had preferential promotional rights under Section 306.9 of the Agreement, should have been promoted to the Heavy Truck Driver job instead of the grievant. Company corrected the error by promoting the employee who had preferential 306.9 rights retroactive to December 15, 1981, and demoting the grievant back to Helper on February 22, 1982.

Shortly before the grievant's demotion back to Helper, layoff notices were issued to two Station Construction Helpers who had more Company Service than the grievant. These two Helpers were laid off on February 24, 1982. If the grievant had been in the Helper classification at the time the two senior Helpers received their layoff notices, he (grievant) would have been issued a layoff notice (and consequently laid off) instead of one of the two senior Helpers.

To rectify this problem, Company, after a rather lengthy delay, retroactively paid the most senior of the two senior laid off Helpers from February 24 through the day the grievant eventually was laid off, March 22, 1982, and adjusted the subject senior Helper's layoff date accordingly.

This brings us to the issue which is the subject of this grievance. On March 5, 1982, a Station Construction employee with less Company Service than the grievant was demoted from Truck Driver to Helper due to lack of work. This employee was still working as Helper in the Station Construction Department at the time the grievant was laid off. The grievant was not given an opportunity to displace this junior employee in lieu of layoff, despite the fact that Title 306 of the Agreement provides for such opportunity.

January 27, 1983

The grievant was rehired as a Helper by the Station Construction Department on April 12, 1982.

Discussion

The Company stated that the grievant would have been laid off on or before February 24, 1982 if he had not been incorrectly promoted to Heavy Truck Driver. Therefore, Company opined, the grievant properly was denied the opportunity to displace the junior employee at the time he (grievant) was laid off.


The Union acknowledged Company's efforts to correct the aforementioned errors, but noted that, regardless of anything else, the grievant was not the employee with the least Company Service in the Station Construction Department at the time he (grievant) was laid off on March 22, 1982. The Union maintained, therefore, that the grievant should have been afforded the opportunity to displace the junior Station employee in lieu of layoff.

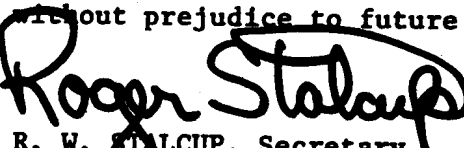
Decision

Both Company and Union have raised valid points in their respective positions, and both parties' positions appear to have equal merit, given the specific set of circumstances present in this case. Therefore, the Pre-Review Committee has decided that an equity settlement is in order.

The grievant will be retroactively paid, at the Helper rate of pay, from March 22, 1982 (the date of his layoff) to April 12, 1982 (the date of his rehire), less any outside income the grievant may have earned during this period.

The case is closed on this basis without prejudice to future cases.


D. J. BERGMAN, Chairman
Review Committee


R. W. STALCUP, Secretary
Review Committee

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