

**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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 WALNUT CREEK, CALIFORNIA 94596  
 (415) 933-6060  
 R.W. STALCUP, SECRETARY

D.J. BERGMAN, CHAIRMAN

**CASE CLOSED**  
**LOGGED AND FILED**

SEP 20 1983

- DECISION  
 LETTER DECISION  
 PRE-REVIEW REFERRAL

East Bay Grievance No. 1-1618-82-108  
 P-RC 790

MS. S. SCHWANTES, Company Member  
 East Bay Division  
 Local Investigating Committee

MR. V. STAMPS, Union Member  
 East Bay 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:

This case concerns the allegation that the Company has been utilizing Fieldman from the Oakport Headquarters on upgrades to Heavy Truck Driver bypassing Fieldmen from the Richmond yard.

Facts of the Case

It was determined that on numerous occasions during the month of April 1982 a substantial amount of work requiring a Dump Truck and Heavy Truck Driver occurred in the Richmond service area.

On several of these occasions, after it was determined all the dump trucks in the Richmond yard were being utilized, the Company requested assistance from the Oakport Service Center. On those days, an Oakport Fieldman was upgraded to Heavy Truck Driver and was sent with one of the Oakport dump trucks to perform the work in the Richmond area.

Discussion

The Union opined that when Heavy Truck Driver work, which required an upgrade, was to be performed in the Richmond service area the Company is obligated pursuant to Section 205.3 to upgrade Richmond employees.

The Company disagreed and pointed out that under Section 205.3, qualified prebidders at a headquarters are entitled to first consideration for upgrades within that headquarters only when it is "practicable" for Company to assign upgrades in such manner. In the instant case, assigning the Heavy Truck Driver duties to an employee in the Richmond yard (without having the required truck available there) would result in a two to three hour per day loss in productive time. Therefore, the upgrade of Richmond Fieldman in this situation was not practicable.


Company went on to discuss Review Committee Case No. 317 and its applicability to these circumstances. The Company members believe that since the work assignment (upgrade to Heavy Truck Driver) was made in the Oakport yard, once filled, the vacancy no longer existed. This was the case when the Heavy Truck Driver and truck arrived in Richmond and; therefore, no bypass occurred. Under similar circumstances in RC 317 the Company's position was upheld.

In reviewing the facts, the Committee agreed that the Company's liability extended to only 30 days prior to the filing of the grievance. During that time, it was determined that an Oakport Fieldman was upgraded to Heavy Truck Driver and sent to the Richmond area to perform work on April 20, 27 and 30, 1982. It was further determined that two Richmond employees had prebids on file to Heavy Truck Driver. The Senior prebidder was already upgraded to Heavy Truck Driver on April 20 and 27 and on vacation April 30. The other employee was not accepting upgrades to Heavy Truck Driver because he was on modified, light duty due to an industrial injury.

#### Decision

Based on the above facts, the grievance issue is moot and this case is settled without adjustment. However, this is without prejudice to the positions of the parties on the appropriateness of upgrading employees in one headquarters and assigning them work in another area.

On the basis of the above, this case is considered closed and should be so noted by the Local Investigating Committee.



D. J. BERGMAN, Chairman  
Review Committee



R. W. STALCUP, Secretary  
Review Committee

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