

**REVIEW COMMITTEE****PG and E****IBEW** PACIFIC GAS AND ELECTRIC COMPANY  
245 MARKET STREET, ROOM 444  
SAN FRANCISCO, CALIFORNIA 94106  
(415) 781-4211, EXTENSION 1125INTERNATIONAL 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  
LOGGED AND FILED**

D.J. BERGMAN, CHAIRMAN

SEP 20 1983

- DECISION  
 LETTER DECISION  
 PRE-REVIEW REFERRAL

San Jose Division Grievance No. 8-836-82-(3-7)  
P-RC 793

September 15, 1983

MR. D. J. COYNE, Company Member  
San Jose Division  
Local Investigating CommitteeMR. L. PIERCE, Union Member  
San Jose Division  
Local Investigating Committee

The above-subject grievances have 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(i) of the grievance procedure, to the Local Investigating Committee for settlement in accordance with the following:

Subject of the Grievances

The Company is requiring that Customer Services employees use their bilingual skills to assist customers. The employees have volunteered to perform such work in the past but are now complying under protest to use their bilingual.

Discussion

As stated in the report of the Local Investigating Committee, the salient issue in all of these grievances is the question of whether the Company can require an employee in the Customer Services Department to use their bilingual skills. The LIC determined that some employees in the San Jose Customer Services office had been assisting non-English speaking customers on an informal basis for a number of years, some as long as eight years. However, this was done on a voluntary basis up to the time a supervisor directed employees to use their bilingual skills in January of 1982. Following this order from the supervisor, some of the employees refused to use their bilingual skills, except under protest.

The Company Committee member pointed out that, in their opinion, these employees were not performing any work that wasn't a normal part of their position, that the only difference was the means by which they communicated.

The Union Committee member discussed, at length, the concern that the bilingual employees are being required, under threat of discipline, to use their bilingual skills. Union pointed out that use of a bilingual skill had previously been done strictly on a voluntary basis; that establishing as a requirement for the duties of a position the use of a bilingual skill is a change in the conditions of employment to the disadvantage of the employees, in violation of Section 24.3 of the Clerical Agreement.

September 15, 1983

Although not totally clear in the Joint Statement of Facts, it appears to the Pre-Review Committee that, initially, the Company simply set out to identify the bilingual employees at the headquarters. Exhibit No. 1, a memo dated October 14, 1981 lists bilingual employees at the headquarters. This memo clearly indicates that use of the bilingual skill was on a voluntary basis. The memo suggested, "A possible preference to handling this situation in the future would be a rotation of employees in this type of involvement, who are willing to act as interpreters." It appears that following the issuance of this memo, a different supervisor decided that there was a need on the part of the Company to communicate with non-English speaking customers and that he was requiring the employees to "simply do their jobs." When employees objected to the non-voluntary nature of the job requirement, they were threatened with disciplinary action. The employees then complied under protest and filed the grievances that are the subject of this case.

It is the Union's position that it is improper for Company to establish, as a condition of employment, a requirement that bilingual employees utilize that skill on the job.


#### Decision

Inasmuch as it appears that the original intent of the Customer Services supervisor was to maintain the voluntary nature of the use of bilingual skills as it existed prior to October of 1981, the Pre-Review Committee concurs with this intent. However, the Pre-Review Committee is not opposed to the development of a list of bilingual employees who have volunteered to assist non-English speaking customers. The supervisor may then utilize these employees as the need arises. Inasmuch as the pre-existing practice appears to have been both acceptable and satisfactory to both supervisors and employees, the Pre-Review Committee is confident that it will be equally acceptable and satisfactory in the future.

On the basis of the above, this case is considered closed.



D. J. BERGMAN, Chairman  
Review Committee



R. W. STALCUP, Secretary  
Review Committee

LMT(4110):lsc