

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

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INTERNATIONAL BROTHERHOOD OF
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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 No. 3-1123-82-82
 P-RC 817

March 16, 1983

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

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

Grievance Issue

Proper classification of employees who operate only the front end loader portion of a backhoe.

Facts of the Case

On July 6, 7, 8, 9 and 12, 1982, a Gas Construction Miscellaneous Equipment Operator B was temporarily upgraded to Backhoe Operator. The MEOB also operated a backhoe on July 13, 14, 15 and 16, 1982; however, he was not upgraded on those days. The record implies that the MEOB operated only the front end loader portion of the backhoe on July 13, 14, 15 and 16.

On July 12, 1982, a Gas Construction Heavy Truck Driver reported to the crew on which the aforementioned MEOB was working. The Heavy Truck Driver remained on that crew until at least July 23.

Discussion

The Heavy Truck Driver classification is next lower to Backhoe Operator in the Gas Construction lines of progression. The Miscellaneous Equipment Operator B classification is next lower to Heavy Truck Driver in the Gas Construction lines of progression. This being the case, and since the aforementioned Heavy Truck Driver and MEOB were on the same crew on July 12, the Local Investigating Committee determined that the Heavy Truck Driver was improperly bypassed for temporary upgrade to Backhoe Operator on that day.

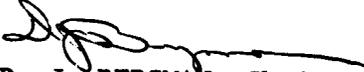
However, the Union claimed that an upgrade to Backhoe Operator also should have been effected on each of the days the MEOB apparently operated only the front end of a backhoe (July 13, 14, 15 and 16), and that the Heavy Truck Driver should have been assigned to the backhoe and upgraded on those days. In other words, the Union claimed the Company erred twice (with respect to the subject MEOB and Heavy Truck Driver) on each of the days in question: 1) the MEOB was not properly compensated for the work he performed on those days, and 2) the Heavy Truck Driver was improperly denied upgrade on those days.

The Company opined that the operation of the front end loader portion of a backhoe is virtually the same as the operation of a small pneumatic-tired loader. The Company also noted that MEOB's may operate small loaders. Therefore, Company stated, an MEOB may operate a backhoe when such operation is limited to the front end loader portion.

Decision

The Company and Union continue to retain different views regarding the need to upgrade to Backhoe Operator when only the loader portion of the equipment is used. However, the conditions in this grievance do not establish a clear-cut identification of the work actually performed by the MEOB. For this reason, the Pre-Review Committee will uphold the Union's position in this case. The Heavy Truck Driver will be retroactively upgraded to Backhoe Operator on July 12, 13, 14, 15 and 16, 1982, and the MEOB will be retroactively upgraded to Backhoe Operator on July 13, 14, 15 and 16, 1982.

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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