

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**

SEP 1 1983

D.J. BERGMAN, CHAIRMAN

- DECISION
 LETTER DECISION
 PRE-REVIEW REFERRAL

General Construction Grievance No. 3-1153-82-111
P-RC 837

August 24, 1983

MR. R. S. BAIN, Chairman
General Construction
Joint Grievance CommitteeMR. G. VALLEY, Chairman
General Construction
Joint Grievance CommitteeGrievance Issue

An Engineer's Aid allegedly was improperly denied entry into the Field Clerk and Routine Shop Clerk classifications in lieu of layoff for lack of work.

Background

On February 5, 1982, the General Construction Personnel and Clerical Services Department established a 25 WPM typing test as a prerequisite for entry into the Field Clerk and Routine Shop Clerk classifications. Subsequently, as a result of a grievance settlement (P-RC 771), the 25 WPM test was invalidated as a prerequisite for transferring into those classifications.

Prior to February 5, 1982, the Company's only typing requirement for the Field Clerk and Routine Shop Clerk classifications was that the applicant must "demonstrate an ability "to type" with reasonable speed and accuracy."

Facts of the Case

The grievant was laid off for lack of work on February 3, 1982, two days before the 25 WPM typing test for the Field Clerk and Routine Shop Clerk classifications was placed in effect. At the time of his layoff, the grievant was an Engineer's Aid in the General Construction Civil-Hydro Department. He was not allowed to displace into the Field Clerk or Routine Shop Clerk classifications in lieu of layoff because Company supervision had determined that he did not have sufficient typewriting ability. The grievant previously had passed the clerical test battery, which was the only other prerequisite for entry into the two subject classifications.

The grievant was rehired as a Helper in the Line Construction Department on April 21, 1982.

The grievance which is the subject of this case was filed on December 3, 1982.

Discussion

The grievant told the Local Investigating Committee that in late January 1982, a Supervising Field Clerk asked him if he could type; that he replied that he had failed the 25 WPM Materialsman typing test in 1979; that he told the Supervising Field Clerk he could "hunt and peck" fairly well; that the Supervising Field Clerk told him he would have to pass a 25 WPM test to be eligible to displace a clerical employee; that he was not given a typing test at that time. The grievant also told the Local Investigating Committee that he learned about the settlement of the earlier grievance (P-RC 771) in November 1982, when he read an article in Union's Utility Reporter newspaper about the decision on that grievance.

The Supervising Field Clerk acknowledged to the Local Investigating Committee that he did not give the grievant a typing test. He also told the Local Investigating Committee that he did not remember any specifics about the conversation he had with the grievant in late January 1982, but that they probably discussed typing requirements. He further stated that he did not require a 25 WPM typing test until February 5, 1982.

The Union member of the Pre-Review Committee believes there is merit to the grievant's claim that he was improperly disqualified for the subject classifications because of his belief that he had to pass a 25 WPM typing test in order to qualify and, even more importantly, because he was not given an opportunity to demonstrate his ability to "type with reasonable speed and accuracy" in accordance with what apparently had been an established practice.

Company denied any impropriety in the grievant's disqualification and held that, in any case, the grievance which is the subject of this case was not timely filed.

Decision

The Pre-Review Committee notes that Subsection 102.3(a)(2) of the Agreement states, in part:

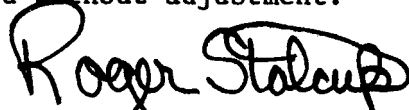
"A grievance which does not involve the grievant's discharge must be filed not later than 30 calendar days after the date of the action complained of, or the date the employee became aware of the incident which is the basis for the grievance, whichever is later."

The Utility Reporter article may have reminded the grievant of his position, or may have appeared to support his position; however, it is evident to the Pre-Review Committee that the grievant "became aware" of his disqualification for the subject clerical classifications in late January, 1982. Also, the effect of his disqualification (i.e., layoff) occurred on February 3, 1982. Since this grievance was not filed until December 3, 1982, it obviously cannot be considered timely with respect to Subsection 102.3(a)(2).

Therefore, and without regard to the merit of the grievant's claim of improper disqualification, the case is closed without adjustment.



D. J. BERGMAN, Chairman
Review Committee



R. W. STALCUP, Secretary
Review Committee

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