

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

PACIFIC GAS AND ELECTRIC COMPANY  
245 MARKET STREET, ROOM 444  
SAN FRANCISCO, CALIFORNIA 94106  
(415) 781-4211, EXTENSION 1125

D.J. BERGMAN, CHAIRMAN

- DECISION  
 LETTER DECISION  
 PRE-REVIEW REFERRAL

AUG 14 1984

**CASE CLOSED  
LOGGED AND FILED**

**RECEIVED AUG 14 1984**

General Construction Grievance No. 3-1224-83-67  
P-RC 915

**IBEW** 

INTERNATIONAL 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

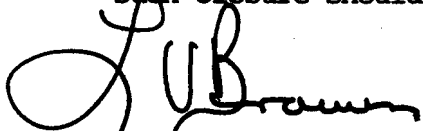
August 13, 1984

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

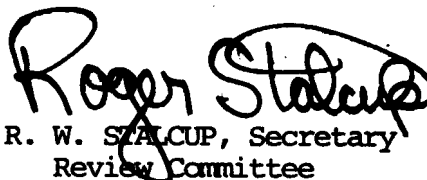
MR. MIKE MC KINNEY, Chairman  
General Construction  
Joint Grievance Committee

On April 30, 1984, the Pre-Review Committee returned this case to the Local Investigating Committee for investigation. The Local Investigating Committee met on July 10, 1984 and settled the case without adjustment on the basis that the grievance was not timely filed.

Such closure should be so noted by the Joint Grievance Committee.



L. V. BROWN, Chairman  
Review Committee



R. W. STALCUP, Secretary  
Review Committee

MAShort(1123):ml

cc: JRHerrera  
DKLee

GENERAL CONSTRUCTION

GRIEVANCE NO. 03-1224-83-67

LOCAL INVESTIGATING COMMITTEE CASE - JOINT STATEMENT OF FACTS

116

PRC # 915

Subject of the Grievance

This case concerns the refusal to upgrade L. Packard, Labor Foreman A, Line (Tower) Construction, to the Working Foreman classification.

Facts of the Case

On August 26, 1983, Union filed a grievance on behalf of the grievant stating: "Company refused to upgrade grievant to the Working Foreman classification while he was supervising skilled labor in higher paid classification such as P.O.B., Holedigger Operator, T.O.A., etc." The correction requested by Union was: "Company upgrade grievant to Working Foreman as appropriate to supervise such skilled labor. Pay all wages and benefits lost plus interest for all dates in question, 30 days prior to such grievance and in accordance with Section 102.5."

Company answered the Grievance on August 29, 1983, stating: "Exhibit X of the Agreement specifically excludes specialists such as Trencher, Backhoe Operator or Hole Digger Operator from being considered when the Company determines the proper grade of a Labor Foreman. (Note: The Company is not familiar with "P.O.B." However, P.O.B., if it is a specialist classification, would also be excluded.)"

Grievance 3-1086-82-45, which involved a similar issue, was settled without adjustment by the Pre-Review Committee on March 16, 1983. A copy is attached.

Since the Company does not deny that specialists are assigned to work with the Grievant's crew, there is obviously no purpose in further investigating the facts of the case. Therefore, the Company will not participate in a Local Investigating Committee. The Union may, if it wishes, discuss the case at the next Joint Grievance Committee Meeting."

On December 2, 1983, this Grievance was discussed during the Joint Grievance Committee Meeting. Company and Union could not reach a resolution to the case, therefore, referred it to the Review Committee.

After review of this case by the Review Committee, it was returned to the Local Investigating Committee for investigation and if possible, settlement.

The Local Investigating Committee comprised of Messrs. J. Ellioff, Union Business Representative; and J. Cerruti, Field Personnel Representative; met on July 10, 1984 at Petaluma. Testimony was taken from G. Matt, Project Superintendent, and the Grievant. This meeting brought out the following facts:

1. Grievant's Employment History:

Mr. Packard was hired on April 30, 1971 as a Laborer in the Line Construction Department progressing to his current classification of Labor Foreman A.

2. The Committee reviewed the following Company Exhibits:

Company Exhibit No. 1 Excerpts from the Minutes of the Joint Grievance Committee Meeting.

Company Exhibit No. 2 Letter dated 12/12/83 referring Grievance to the Review Committee.

Company Exhibit No. 3 Review Committee decision dated March 16, 1983.

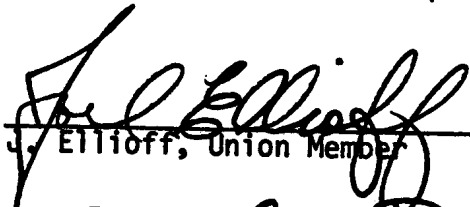
3. Mr. Matt stated that employees holding the Tractor Operator A and Tractor Operator B classification are assigned under the supervision of an exempt foreman; that the exempt foreman notifies these operators of the location and work to be performed each day during the tailboard meetings; that these assignments usually involve working alongside other crews.
4. Matt further stated that the job classification in question (Tractor Operator B) eventhough considered a specialized classification does not require the talent and training that the Tractor Operator A classification requires; that a Tractor Operator B is actually a learning classification.
5. Matt concluded his testimony stating that if any Tractor Operator B's were assigned to work with Packard, the work to be performed would have been outlined by the exempt foreman who supervised both Packard and the operator.
6. Packard stated that he usually tells the Tractor Operator B assigned to his job what work is to be performed; that if any problems arise while the work is in progress, he (Packard) is responsible for making any changes in the work assigned to the Tractor Operator B.
7. Packard then stated that the Tractor Operator B's assigned to his job were F. Ledford and A. Otto; and that the dates in question were May 20, 23, 24, 26, 27, 31, June 2 and 10, 1983.

Statement and Referral

After reviewing the facts of this case, the Committee was not able to agree whether the Tractor Operator B classification was considered a "Specialist" classification in Exhibit X of the Agreement. However, after reviewing the dates the Tractor Operator B worked with Packard, the Committee agrees that the grievance was not timely filed.

Based on the foregoing, the Committee agrees to close this case without adjustment.

Case closed without prejudice.

  
 \_\_\_\_\_  
 J. Ellioff, Union Member

7-16-84  
 \_\_\_\_\_  
 Date

  
 \_\_\_\_\_  
 J. Cervuti, Company Member

7/11/84  
 \_\_\_\_\_  
 Date

NOTE: Union Committee Member objected to the reference in Company's Answer to Grievance about "P.O.B.", claiming it was unprofessional, unnecessary and childish. That this type Answer would only hinder Company and Union's joint efforts to settle already existing problems.