

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

RICHARD S. BAIN, Chairman
General Construction
Joint Grievance Committee

Subject of Grievance

Failure to rehire laid off employee.

Facts of the Case

The grievant was hired as a Cook on August 7, 1978. The Company was reducing the number of camps it operated, resulting in the application of Contract Title 306-Demotion and Layoff. Those cooks with the least seniority were laid off or were placed in accordance with the provisions of Title 306. The grievant had a temporary medical condition which prevented him from effecting displacement into a beginning classification in accordance with Section 306.5(b). Therefore, the grievant was laid off.

The Union subsequently filed a grievance stating that the grievant was laid off inappropriately and that he should be rehired. The grievance was settled at the July 17, 1986 General Construction Joint Grievance Committee meeting on the basis that there was no violation of the Contract, but that the grievant would be given full consideration for a beginning level classification which he is qualified to hold.

In August and September 1986, the General Construction Departments hired approximately fifty one (51) individuals into beginning classifications. The subject grievance was filed on October 14, 1986 stating that the grievant had not been given the full consideration as agreed to at the July Joint Grievance Committee meeting.

Discussion and Decision

The Committee discussed this case at length. The Company member stated that the grievant was considered for rehire; however, the Departments did not consider him as a competitive candidate compared to those individuals hired. In addition, the agreement only required the Company to fully consider the grievant; not specifically to rehire him.

The Union member of the Committee opined that nowhere in the record has the Company provided any substantial evidence to support their position that

**CASE CLOSED
LOGGED AND FILED**

RECEIVED MAR 24 1987

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General Construction Grievance No. 3-1603-86-111
P-RC 1172

March 23, 1987

BARRY J. HUMPHREY, Chairman
General Construction
Joint Grievance Committee

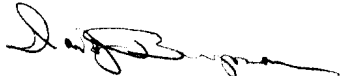
INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W.
P.O. BOX 4790
WALNUT CREEK, CALIFORNIA 94596
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R.W. STALCUP, SECRETARY


IBEW 

the grievant was fully considered. Absent that evidence, the Company is obligated to rehire the grievant.

Based on the facts of this case, the Committee agreed that the grievant will be rehired into a beginning classification for which he is qualified. The Committee also agreed that the grievant's Service will be uninterrupted.

This case is considered closed without prejudice on this basis, and such closure should be so noted in the minutes of the Joint Grievance Committee.


DAVID J. BERGMAN, Chairman
Review Committee


ROGER W. STALCUP, Secretary
Review Committee

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