



REVIEW COMMITTEE

MAR 18 1994

IBEW



PACIFIC GAS AND ELECTRIC COMPANY
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**CASE CLOSED
FILED & LOGGED**

MAR 21 1994

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W
P.O. BOX 4790
WALNUT CREEK, CALIFORNIA 94596
(510) 933-8060
R.W. STALCUP, SECRETARY

RICK R. DOERING, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

Kern Division Grievance No. BAK-93-3
P-RC File No. 1714

William J. Mattox
Company Member
Local Investigating Committee

Ron Van Dyke
Union Member
Local Investigating Committee

Grievance Issue: Company improperly granted 206.9 rights to an employee following the grievant's failure to comply with Section 3.5 of the Agreement.

Facts of the Case:

A Lineman was awarded a Troublemaker position in February 1991. As a condition of the promotion, the employee was required to relocate to a residence no more than 30 minutes automotive travel time from the headquarters.

The grievant misled the Company and did not relocate his residence pursuant to Section 3.5 of the Agreement. This employee was given a written reminder and demoted to Lineman position effective December 29, 1992.

In August 1993, this Lineman was awarded a Troublemaker position by using Section 206.9 rights.

Discussion: The Positive Discipline Agreement states that:

" For the purposes of Contract Section 205.11 and 18.11, the definition of "active counseling" under the Positive Discipline System, unless changed by the parties through negotiations, will be defined as during the previous twelve-month period (1) two or more instances in which the employee has received written reminders, (2) a decision-making leave or (3) a demotion with cause."

Discussion:

The Committee agreed the employee had 206.9 rights, however, the employee's bid should have been rejected under the provisions of 205.11(a) and the Positive Discipline Agreement since he was demoted for cause. The 12 month period had not elapsed when the job award was made.

Disposition: The Troublemaker position was improperly filled and the position should be re-awarded.

[Handwritten signature]

John Moffat
Chairman, Review
Committee

3/8/94

Date

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Roger Staicup
Secretary, Review
Committee

3/2/94

Date