



REVIEW COMMITTEE



IBEW

PACIFIC GAS AND ELECTRIC COMPANY
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CASE CLOSED
FILED & LOGGED

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W
P.O. BOX 4790
WALNUT CREEK, CALIFORNIA 94596
(510) 933-6060
R.W. STALCUP, SECRETARY

MARGARET A. SHORT, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

North Valley Division Grievance Nos. CHI-95-7 & CHI-95-3
Fact Finding Committee No. 6048-95-65
Pre-Review Committee File No. 2053

Sue Ampi
Company Member
Local Investigating Committee

Mickey Harrington
Union Member
Local Investigating Committee

Grievance Issues

The first grievance concerns whether the grievant was rehired under Section 306.14 and entitled to bridged service. This grievance was rejected by the Company because it was not timely filed. The second grievance concerns the issue of timeliness.

Facts of the Case

In August of 1982, the Company and Union agreed to extend the rehire rights, as provided in Section 306.14 of the Agreement, of General Construction employees who had been laid off during the previous 12 month period. Such rehire rights were to extend to August 31, 1983, provided that the employee maintain monthly contact, either in writing or by phone, with the General Construction (GC) Personnel office. The grievant was notified of the extension and his obligations by letter dated August 25, 1982.

The grievant was initially hired on February 7, 1978. He was laid off on November 30, 1981. He completed the GC demotion and layoff questionnaire at that time. He was rehired on June 29, 1983. His service date was not bridged. His payroll change tags reflects a service date of June 29, 1983. He was placed as a probationary employee and signed the benefits package acknowledgment form on December 27, 1983 prior to attaining regular status.

The grievant first challenged the accuracy of his employment date in February of 1995.

Discussion

With respect to the issue of bridged service, the grievant was hired within the time frame of the agreement (prior to August 31, 1983) and would have been entitled to bridged service under Section 306.14 had he maintained monthly contact with the Company. After 13 years, a company record of who maintained contact no longer exists. The Company maintains that the grievant must have failed to meet this requirement as his service was not bridged and he did not challenge it at that time. There is no indication from the LIC report that the grievant provided any documentation to support his claim of having met his responsibilities to maintain contact under Section 306.14.

Turning to the timeliness issue, the Company maintains that the grievance is not timely filed. The Company maintains that the grievant must have been aware as early as 1983 that his service was not bridged. His service date was clearly reflected on payroll change tags. Additionally, he was hired as a probationary employee and signed a benefits acknowledgment form six months later upon attaining regular status. If the grievant believed that his service date was in error, he should have addressed it at that time while the company records may have still been available.


The Union maintains that the grievance is timely as this is a continuing grievance. The Company disagrees.

Decision

Notwithstanding the issue of timeliness and the parties differing view of whether this is a continuing grievance, the Committee agrees to refer the case back to the LIC with the following instructions:

- 1) if the grievant is able to provide sufficient documentation to prove that he satisfied his monthly notification requirement, his service date will be adjusted to his original date of hire, February 7, 1978. Most likely, this may be accomplished by providing phone record receipts.
- 2) if the grievant is unable to provide sufficient documentation, the LIC will close the grievances without adjustment.

On that basis, these grievances will be removed from the PRC agenda.



Margaret A. Short, Chairman
Review Committee

8/15/96

Date



Roger W. Stalcup, Secretary
Review Committee

8/15/96

Date