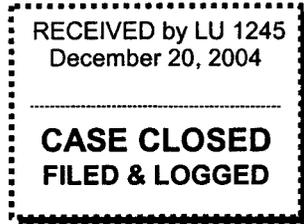




## REVIEW COMMITTEE



PACIFIC GAS AND ELECTRIC COMPANY  
2850 SHADELANDS DRIVE, SUITE 100  
WALNUT CREEK, CALIFORNIA 94598  
(925) 974-4282



INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS, AFL-CIO  
LOCAL UNION 1245, I.B.E.W.  
P.O. BOX 2547  
VACAVILLE, CALIFORNIA 95696  
(707) 452-2700  
SALIM A. TAMIMI, SECRETARY

MARGARET A. SHORT, CHAIRMAN  
DECISION  
LETTER DECISION  
PRE-REVIEW REFERRAL

### Pre-Review Committee No. 15316 OM&C – Electric T&D - Oakport

Pat Medrano  
Company Member  
Local Investigating Committee

Lula Washington  
Union Member  
Local Investigating Committee

#### Subject of the Grievance

This case concerns the bypass of a Troublemaker to a Compliance Inspector vacancy pursuant to Subsection 205.11(a) of the Physical Agreement.

#### Facts of the Case

A vacancy request with a control date of July 6, 2004 was submitted to the Centralized Job Bidding Team (CJBT) for filling.

The grievant informed his supervisor in June that he was going to be off work for four to six weeks to have surgery and recuperate. June 29 was his last day at work and the surgery was performed on June 30. Before going off work, the grievant informed his supervisor he wanted a Compliance Inspector in Oakland, should one become available. At the LIC, the grievant stated his doctor would not release him to return to his Troublemaker position until July 28. The grievant actually returned to work on August 5, 2004.

The job offer letter from CJBT instructs supervisors not to extend a job offer, but to notify CJBT, in certain circumstances. One of those circumstances is if the employee is on "Inactive Status (Workers' Compensation Payroll, Leave of Absence, Long Term Disability, light duty, or sick leave – 10 business days or more)."

The Compliance Inspector vacancy was awarded on July 13, 2004 to a less senior 205.7(b) bidder.

#### Discussion

Union opined Company had an obligation to call the grievant at home to offer the vacancy since he'd informed the supervisor of his interest. Further, the grievant indicated the supervisor visited him a couple of times at home while he was on sick leave and never mentioned the vacancy.

Company stated the bypass of the grievant was consistent with past practice and the labor agreement. Specifically, Subsection 205.11(a) states in relevant part:

Notwithstanding anything contained in this Title, Company may reject the bid of any employee who does not possess the knowledge, skill, efficiency, adaptability and **physical ability** required for the job on which the bid is made." (emphasis added)

In most instances the normal report date for the new job is 10 working days after the job award and is only extended by agreement between the sending and receiving supervisors for operational reasons.

Decision

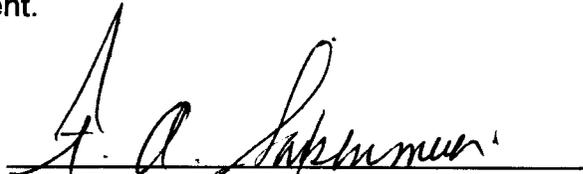
The PRC is in agreement that the bypass was proper and no violation of the Agreement occurred. This case is closed without adjustment.



Margaret A. Short, Chairman  
Review Committee

12/17/04

Date



Sam Tamimi, Secretary  
Review Committee

12/17/04

Date