

105.6: Requiring CGT, Meridian, employees to fill out company medical questionnaire for possible volunteers for emergency responders for respirator use is not a violation.



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

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

REVIEW COMMITTEE

RECEIVED by LU 1245
January 17, 2006

**CASE CLOSED
FILED & LOGGED**

IBEW



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

Pre-Review Committee No. 15818 CGT - Meridian

Shannon Walden
Company Member
Local Investigating Committee

Arlene Edwards
Union Member
Local Investigating Committee

Subject of the Grievance

CGT Meridian has told all employees at the headquarters that they must fill out company medical questionnaire for possible volunteers for emergency responders for respirator use. Union contends this is a violation of LA 00-48.

Facts of the Case

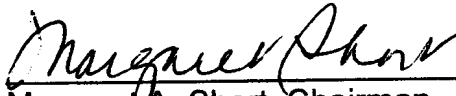
The Cal-OSHA Respirator Protection Program (Section 5144 of Title 8) was effective May 22, 1999. One of the requirements of the program is that Company designate certain employees to be emergency responders to work on (blowing) gas facilities. These emergency responders must remain clean-shaven at all times in order to accommodate the unanticipated need to wear a respirator. Company and Union entered into Letter Agreement 00-48 agreeing that 40% of the CGT employees at each location be designated as emergency responders. To determine if an employee is medically fit to wear a SCBA respirator, a questionnaire must be completed and submitted for review to a medical professional.

Prior to 1999, based on the nature of the CGT work and as outlined in the CGT Site Specific Respirator Protection Program, all employees had to be fitted annually to wear an air purifying respirator (APR). After the CAL-OSHA program was implemented, medical questionnaires were required for all employees who have to be respirator fitted. However, unless these employees are emergency responders, they need not be clean shaven at all times.

All areas of CGT implemented these changes except Meridian. When in 2005 it was determined that Meridian was not compliant, the requirements were communicated to employees, resulting in this grievance.

Decision

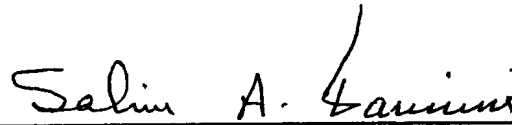
Based on the above, the PRC agrees no violation occurred and this case is closed without adjustment.



Margaret A. Short, Chairman
Review Committee

1/17/06

Date



Sam Tamimi, Secretary
Review Committee

1-17-06

Date



LETTER AGREEMENT NO. R1-00-48-PGE



PACIFIC GAS AND ELECTRIC COMPANY
INDUSTRIAL RELATIONS DEPARTMENT
2850 SHADELANDS DRIVE, SUITE 100
WALNUT CREEK, CALIFORNIA 94598
(925) 974-4104

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W.
P.O. BOX 4790
WALNUT CREEK, CALIFORNIA 94596
925-933-6060

STEPHEN A. RAYBURN, DIRECTOR
AND CHIEF NEGOTIATOR

JACK McNALLY, BUSINESS MANAGER

October 23, 2000

Local Union No. 1245
International Brotherhood of
Electrical Workers, AFL-CIO
P. O. Box 4790
Walnut Creek, CA 94598

Attention: Mr. Jack McNally, Business Manager

Dear Mr. McNally:

The Company and Union have discussed the impact of the new Cal-OSHA Respiratory Protection Program (Section 5144 of Title 8). These regulatory requirements became effective on May 22, 1999. This letter confirms the agreement reached regarding the implementation of these requirements within California Gas Transmission (CGT).

Identification of Respirator Users – Emergency Responders

While all employees in certain classifications must be clean shaven and wear respirators when assigned certain tasks that are part of their normal job duties (e.g. Title 300 Painters), only a limited number of employees in other classifications need to be clean shaven and prepared to wear respirators in order to respond to emergency situations (e.g., blowing gas).

Attached is a list of crews within California Gas Transmission (CGT) by classification and headquarters. Company proposes that forty percent (40%) of but no more than six employees at a headquarters (excluding Maintenance Assistant I, Maintenance Assistant II, Sr. Maintenance Assistant, and Utility Leadperson Topock [PIO]) will be identified as emergency responders and will be required to be clean-shaven at all times.

The Company will solicit volunteers to serve as emergency responders. If there are an insufficient number of volunteers in a headquarters, the Company will appoint employees in that headquarters as immediate responders using reverse seniority.

The Company will not limit the number of employees volunteering to serve as emergency responders. All employees qualified as emergency responders in identified classifications will be fitted for respirators and available for emergency response.

Emergency Overtime

Employees qualified as emergency responders will be the first called out during emergency overtime situations when a respirator may be required (e.g. blowing gas).

Job Bidding

The Company will consider the status of volunteers to serve as emergency responders before filling positions through Title 205 - Job Bidding and Transfer System.

In the event there are insufficient volunteers in the headquarters and classification, the job will be filled with the senior bidder who volunteers to serve as an emergency responder and remain clean-shaven.

Temporary Assignments

The Company will consider the status of volunteers to serve as emergency responders before filling temporary vacancies through Section 205.3.

If there are insufficient volunteers to meet the minimum established number of emergency responders in the classification and headquarters, temporary assignments will be offered to the senior qualified bidder in the headquarters who agrees to remain clean-shaven. If there are no volunteers from among bidders in the headquarters, the Company will upgrade the junior qualified bidder within the headquarters.


Accommodation

In the event an employee is in a classification that requires that they wear a respirator as part of their normal job duties or if they are involuntarily designated as an emergency responder and they cannot medically be qualified to wear a respirator, the Company and Union will discuss accommodation on a case-by-case basis.

If you are in accord with the foregoing and agree thereto, please so indicate in the space provided and return one executed copy of this letter to the Company.

Very truly yours,

PACIFIC GAS & ELECTRIC COMPANY

By: 
Stephen A. Rayburn
Director and Chief Negotiator

The Union is in accord with the foregoing and agrees thereto as of the date hereof.

LOCAL UNION NO. 1245, INTERNATIONAL
BROTHERHOOD OF ELECTRICAL WORKERS, AFL-CIO

Jan 30 2000

By: 
Jack McNally
Business Manager

