



## REVIEW COMMITTEE

**IBEW**



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RECEIVED by LU 1245  
January 20, 2012

**CASE CLOSED  
FILED & LOGGED**

DOUG VEADER, CHAIRMAN  
 DECISION  
 LETTER DECISION  
 PRE-REVIEW REFERRAL

F.E. (ED) Jr DWYER, SECRETARY

### **Pre-Review Committee Numbers 20334 & 20335 Electric Operations – Electric T&D - Livermore**

Voncille Williams  
Company Member  
Local Investigating Committee

Joe Osterlund  
Union Member  
Local Investigating Committee

#### **Subject of the Grievance**

These grievances concern bypasses of bidders to Lineman and Electric Crew Foreman vacancies in Livermore. The Union contends that a commercial driver's license should not have been required for these positions.

#### **Facts of the Case**

The Company filled a Lineman and an Electric Crew Foreman vacancy in the Livermore headquarters. Both of these vacancies were designated as requiring the Commercial Driver's License Addendum (CDLA). The vacancies were first offered to employees at the headquarters and then filled through the normal bidding procedure.

#### **Discussion**

In Letter Agreement 90-113 the parties addressed issues associated with changes in California's driving requirements. The letter agreement established a Commercial Driver's License Addendum (CDLA) which the Company may apply to classifications which do not require a commercial driver's license. At each headquarters, the Company may designate enough positions as CDLA in order to be able to drive the vehicles requiring the license.

The parties further agreed in LA 90-113 that the number of CDLA designated positions needed would normally be 125% of the number of vehicles requiring a commercial driver's license, minus the number of classifications required by job definition to possess the license. Applying the 125% formula to the seven (7) commercially regulated vehicles assigned to the Livermore Electric T&D Department, results in nine (9) positions which may be designated as CDLA required.

The Committee reviewed Letter Agreement 91-59 which modified and clarified the bidding process associated with CDLA designated positions. The letter agreement provides that if a headquarters and department is below the 125% complement, senior bidders who are not qualified for the CDLA "will be bypassed". At the time the Livermore vacancies were filled, there were only two positions which were CDLA designated. As such the department was below its 125% complement of nine and the bidders were appropriately bypassed.

The Committee noted that the 125% complement includes positions required to possess commercial driver's licenses not individuals who voluntarily chose to do so. LA 90-113 defines the complement as those classifications which require a commercial driver's license either by job definition or by CDLA designation.

The Union argued that Livermore has long been below the 125% complement of CDLA designated drivers and has not required the CDLA designation when filling vacancies in the past. Additionally, the 125% complement is exceeded when counting employees in non-CDLA positions who voluntarily possess commercial driver's licenses.

Company believes it correctly followed the negotiated language in filling the vacancies subject to the current grievances. Any past vacancies which may have been filled incorrectly were not challenged and do not establish a past practice which would supersede clear contractual language.


The Committee did note that according to the LIC Report, some of the Livermore employees possessing a commercial driver's license, but not in a CDLA designated classifications are receiving the annual CDLA premium. Letter Agreement 90-113 is very clear that the annual premium is only paid to those employees holding a CDLA designated classification. Employees who possess a commercial driver's license, but are not in a CDLA designated classification or a classification requiring a commercial license shall be paid a daily premium when using their license in conjunction with the performance of their duties.

**Decision**

The Committee agrees that the bypasses did not violate of the agreement and these cases are closed without adjustment.

  
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Doug Veeder, Chairman  
Review Committee

1/19/12  
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Date

  
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F.E. (Ed) Dwyer Jr, Secretary  
Review Committee

1/19/2012  
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Date