



## REVIEW COMMITTEE

**IBEW**



PACIFIC GAS AND ELECTRIC COMPANY  
LABOR RELATIONS DEPARTMENT  
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INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS, AFL-CIO  
LOCAL UNION 1245, I.B.E.W.  
P.O. BOX 2547  
VACAVILLE, CALIFORNIA 94696  
(707) 452-2700

DYLAN GOTTFRIED, CHAIRMAN

KIT STICE, SECRETARY

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

### Pre-Review Committee Number 24566 Electric T&D—Auburn

Yvonne Bradley  
Company Member  
Local Investigating Committee

Kyle Whitman  
Union Member  
Local Investigating Committee

#### Subject of the Grievance

A Troubleman was bypassed for an Electric Crew Foreman's job at the Auburn Service Center.

#### Facts of the Case

On 3/5/2018, the Grievant was bypassed for an Electric Crew Foreman position. The Company maintained the employee placed in this vacancy has higher abilities and personal qualifications in accordance with 205.14.

The Union contended that the Company could not demonstrate that the Grievant did not have the abilities and personal qualifications.

#### Discussion:

The Union opined the Grievant possesses the ability and skills required of an Electric Crew Foreman and argued that the Company failed to provide sufficient evidence to demonstrate the employee awarded the position possessed qualifications and skills that were superior to the Grievant.

The Company argued that an Electric Crew Foreman must possess a high level of knowledge of standards and procedures to safely plan and direct the work of a crew. The Company also argued that 205.14 clearly states that the Company may make appointments based on the

ability and personal qualifications. Additionally, the Company pointed to PRC 22690 that allows the Company to “appoint, from among those so qualified, an employee who demonstrably possesses ability and personal qualifications superior to those of any bidder who may be senior to him.” In this case, the Company selected the less senior bidder for the position because he possessed superior ability and personal qualifications.

### Decision

Recognizing the unique skills required for the Electric Crew Foreman positions, the Company and Union agree to re-affirm the rights of the Company, as agreed to in Sub-Section 7.1 of the Collective Bargaining Agreement and LOA 87-189. To that effect, the Company may elect to demote an Electric Crew Foreman for cause. This may include, but is not limited to, lack of leadership, failure to provide a safe working environment or lack of craft knowledge. The parties further re-affirmed the right of the Union and members to grieve demotions under Title 7.1 and LOA 87-189. The Company and the Union also acknowledge that the Company is not waiving Sub-Section 205.14, which allows the Company to fill vacancies on the basis of ability and personal qualifications. This paragraph of the decision is precedential with respect to future cases.

The Committee discussed this case at length and agreed to adjust the Grievant’s back pay to the date of bypass of 9/6/17 and adjust his pension to reflect the top step of the Electric Crew Foreman rate of pay from the date of retirement of 8/1/2018. Grievance 24325 also includes the same subject matter and Grievant and supports the date of 9/6/2017 for the backpay. This case is considered closed and non-precedential and will not be used in reference to any other grievance, present or future, regarding the specific terms of the settlement, including the adjustment of pay.

#### **For the Company:**

/s/ Dylan Gottfried 03/01/2019  
 Dylan Gottfried, Chairperson Date  
 Review Committee

#### **For the Union:**

Kit Stice 03/01/2019  
 Kit Stice, Secretary Date  
 Review Committee