

REVIEW COMMITTEE



PACIFIC GAS AND ELECTRIC COMPANY
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INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W.
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R.W. STALCUP, SECRETARY

JUL 05 1984
**CASE CLOSED
LOGGED AND FILED**

RECEIVED JUN 29 1984

D.J. BERGMAN, CHAIRMAN

REVIEW COMMITTEE DECISION

- DECISION General Construction Grievance No. 3-547-79-36 (RC 1473-79-15)
- LETTER DECISION General Construction Grievance No. 3-652-79-141 (RC 1501-80-27)
- PRE-REVIEW REFERRAL

Statement of the Case

These cases have been combined inasmuch as they present several questions relative to the application of the Special Driver rate of pay on a temporary basis in General Construction. At issue in these cases, is the intent of the parties when this classification was bargained in 1977 and in the application of the negotiated language since that time. The language in question is: Special Driver...the operator of a transport truck and trailer engaged in loading, transporting and unloading heavy construction equipment throughout the Company system.

Review Committee No. 1473-79-15:

The grievant, a Heavy Truck Driver, contends that while he is engaged in the operation of loading, transporting and unloading heavy equipment between different geographical locations either with a dump truck towing a trailer or by a flatbed truck towing a trailer that he is entitled to be compensated as a Special Driver. The equipment involved in this case are case loaders, backhoes and skip loaders. At issue in this case, is the Company's contention that "it was never intended that backhoes and similar pneumatic-tired equipment be included as heavy equipment." A review of bargaining notes leading up to the establishment of the Special Driver classification have proved of little value except to indicate that both Company and Union agreed that the extra skills needed by the Special Driver in order to load or unload heavy equipment was the basis for the new classification. Inasmuch as the Joint Grievance Committee agreed that, with the exception of backhoes, most of the equipment moved by the grievant was not "heavy equipment," the question before this Committee is whether or not backhoes are, for the purpose of answering this case, to be considered as heavy equipment.

Review Committee No. 1501-80-27:

The grievant, a Heavy Truck Driver, operates a transport truck with a trailer in the geographic area south of McFarland, California loading, transporting and unloading construction equipment including a trencher. The grievant, when possible, asks Equipment Operators to perform the actual operation of loading and/or unloading some of the wider equipment. At issue in this case is the Company's contention that the grievant "does not operate his truck and trailer rig north of McFarland and in many cases does not load and unload heavy construction equipment on his trailer." Therefore, the questions before this Committee are: does heavy equipment have to be transported "throughout the Company system" before the rate of Special Driver is applicable; and, does the Special Driver have to, at all times, load and/or unload all of the equipment transported.

Discussion

As a result of 1977 negotiations in which this new classification was established, there were approximately 26 drivers immediately reclassified as Special Drivers. These reclassified employees were either operating the large diesel fifth-wheel rigs or were primarily engaged in transporting equipment and material, and as such were thought of as "Transport Drivers." While the record is reasonably clear that both Company and Union intended for these employees to be classified as Special Drivers regardless of what they were transporting, the record is not clear as to under which circumstances Heavy Truck Driver would be considered as being engaged in Special Driver's work.

The Committee agrees that equipment need not be transported "throughout the Company system" in order to qualify as a Special Driver assignment inasmuch as the potential for such assignment is not frequently present. However, the Committee also recognizes that loading, transporting and unloading equipment is part of a Heavy Truck Driver's assignment when working as a member of a crew and would not qualify one as a Special Driver.

Further, the Committee determines that Case Backhoes #480 and #580, or their equivalent, are not considered heavy equipment except when Heavy Truck Drivers are engaged in transporting such equipment to various job sites or headquarters while working apart from a crew or when that is the Heavy Truck Driver's primary or routine assignment. The Committee agrees that as long as a Special Driver (temp) has the ability to load or unload heavy equipment, he need not do so each and every time if employees more skilled in the operation of the equipment perform the task.

Finally, the Committee agrees that all assignments to operate a tractor-trailer (fifth-wheel) for the purpose of loading, transporting and unloading construction equipment or construction equipment and material shall be compensated at the Special Driver rate.

Decision

These cases will be referred back to the appropriate Local Investigating Committee to determine, on the basis of the above discussions, Section 304.2 and Item B(4) of the Review Committee procedure, the grievants' entitlement to the Special Driver's rate of pay and the number of such days of entitlement. On this basis, these cases are considered closed. If the Local Investigating Committee is unable to agree on a resolution to these cases, the Review Committee will retain jurisdiction.

FOR COMPANY:

N. L. Bryan
F. C. Buchholz
R. C. Taylor
K. V. Brown

By

Date

[Signature]
6-22-84

FOR UNION:

P. Nickeson
F. Pedersen
A. Watson
R. W. Stalcup

By

Date

[Signature]
6/29/84

PACIFIC GAS AND ELECTRIC COMPANY

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April 25, 1984

MR. L. V. BROWN
Chairman of the Review Committee

MR. R. W. STALCUP
Secretary of the Review Committee

On September 25, 1980, five grievances relative to the General Construction Special Driver classification were referred to an Ad Hoc Negotiating Committee for settlement. The parties have met and agreed to the attached Review Committee decisions.

It was agreed that the Special Driver notes in Exhibit X would remain unchanged, except that the next time Exhibit X is updated, the following statement should be included:

"For temporary upgrades to this classification, see Review Committee Decision 1473 and 1501."

Company members of the Ad Hoc Committee expressed concern for the potentiality of a temporary upgrade to Special Driver exceeding 20 consecutive workdays and therefore requiring a permanent reclassification. If the nature of the assignment were such that it met the criteria for upgrade outlined in RC 1473 and 1501, but not the notes in Exhibit X, such permanent reclassifications could ultimately result in a dilution of the Special Driver classification.

Therefore, it was agreed that should this situation occur, a letter of agreement would be executed on a case-by-case basis to waive the provisions of Subsection 305.4(c).



M. A. Short
Company Member



Ron Van Dyke
Union Member

Special Driver Ad Hoc Negotiating Committee