

602.1 -Dispute over necessity
204.3 to upgrade Materialsman
to Leadman.



REVIEW COMMITTEE

IBEW



PACIFIC GAS AND ELECTRIC COMPANY
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APR 14 1993

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
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R.W. STALCUP, SECRETARY

D.J. BERGMAN, CHAIRMAN

**CASE CLOSED
LOGGED AND FILED**

RECEIVED APR - 1 1993

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

REVIEW COMMITTEE DECISION

**Mission Division Grievance No. MIS-91-9
Review Committee Case No. 1749-92-20**

Subject of the Grievance:

This case concerns the Company's failure to upgrade a Materialsman behind an absent Materials Leadman to supervise two Materialsmen.

Facts of the Case:

There are four Materials Department employees at the Fremont Gas Meter Plant, including three Materialsmen and one Materials Leadman. On March 7, 1991 the Materials Leadman at the plant attended a labor-management meeting across the street at the Fremont Materials Distribution Facility for two hours and 45 minutes. During the Leadman's absence, the three Materialsmen were involved in routine work, including loading and unloading trucks and performing the duties of the order and dispatch desks. Although an exempt Materials Supervisor was present, the employees were not provided any direction during the Leadman's absence due to the routine nature of their work.

The Materials Supervisor testified that the plant's policy is to upgrade a Materialsman if the Leadman is absent for the entire day. If the Leadman is absent for part of the day, a Materialsman will be upgraded if there is a need to direct or train other employees or perform any special duties within the Leadman classification. The plant also upgrades Materialsmen if the Leadman and supervisor are both gone a full or partial day.

Discussion:

The Union noted that Exhibit VI-A defines a Materialsman as "An employee who performs without direct supervision, subordinate to the employee in charge, routine duties..."

Note 3 of the definition states "'Employee in charge' refers to Materials Facility Subforeman, Materials Facility Man, Materials Leadman, or Leadman Driver but shall not limit or restrict a nonbargaining unit supervisor's right to supervise..." Union opined that Company was obligated to upgrade one of the Materialsmen to a Materials Leadman to comply with the language in the job definition which specifies "employee in charge."

Company argued that the Leadman was gone for a brief period, was available to the employees by phone, and that the employees were involved in routine work that did not require direction.

The Committee noted that the Leadman was at a meeting at the Fremont Materials facility, 42100 Boyce Road, a building directly across the street from the Fremont Gas Meter Plant, 42105 Boyce Road, and that both facilities are part of the East Bay Region Facilities Department.

Decision:

The Review Committee determined that there was no violation of the contract in this specific set of circumstances, however both parties reserve the right to argue this issue under a different set of facts. The Committee believes that it would have been appropriate to upgrade one of the Materialsmen to Leadman if the Leadman had been absent for the entire day or if one of the Materialsmen had been assigned the duties of the Leadman for two or more hours during the day.

This case is considered closed on the basis of the foregoing, and such closure should be so noted by the Local Investigating Committee.

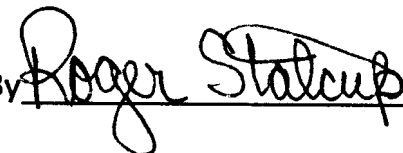
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By 

By 

Date 3-25-93

Date 3/25/93