



## REVIEW COMMITTEE

**IBEW**



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INTERNATIONAL BROTHERHOOD OF  
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CLAIRE IANDOLI, CHAIRMAN  
 DECISION  
 LETTER DECISION  
 PRE-REVIEW REFERRAL

KIT STICE, SECRETARY

### **Review Committee Number 23315 (Shared Services) – (Building) – (Sacramento)**

Jeff Neeley  
Company Member  
Local Investigating Committee

Lloyd Cargo  
Union Member  
Local Investigating Committee

#### Subject of the Grievance

This case involves the long-term temporary upgrade (also known as a “Yellow Tag” upgrade) of a Lead Building Mechanic to a Building Crew Leader under Section 205.1 of the Physical Agreement.

#### Facts of the Case

The Grievant had been temporarily upgraded from a Lead Building Mechanic to a Building Crew Leader for over two years at the time the grievance was filed.

The duties of a Building Crew Leader provide in pertinent part, “...Supervises employees engaged in the operation, maintenance, and minor construction of building and related systems...”

Grievant admitted during the LIC that while he still performed some of the Leader duties, he no longer supervised other employees except, at times, a local contractor.

During a joint Labor-Management meeting held in July 2015, the parties discussed “Yellow Tags” and determined there was “no justification to keep persons on yellow tag status... [and] no apparent business need for the additional Crew Lead positions. As a result, the decision [was] made... to revert [employees] ...back to their old status.”

Section 205.1 provides in pertinent part... “when employees are qualified by knowledge, skill and efficiency and are physically able to perform the duties of the job, the employee with the greatest service shall receive preference in accordance with the sequence of consideration

outlined in Subsection 205(b), and Section 205.7 for an appointment to fill a vacancy, and the Company shall endeavor to expedite the filing of job vacancies.”

Discussion

It is undisputed that Grievant was on a long-term upgrade as a Building Crew Leader for over two years. The Union argued temporary upgrades (when not filling in for an absent employee) should not exceed one and half years. According to the Union these upgrades are considered excessive and the Company must fill the job in an expeditious manner consistent with Section 205.1. The Union contended the upgraded individual should have been appointed on a regular basis at the Sacramento headquarters.

The Company argued that in July 2015, the Company and Union’s Labor Management team sat down to discuss this upgrade, among others, and determined there was no justification to keep persons on yellow tag status... [and] no apparent business need for the additional Crew Lead position in Sacramento. Additionally, Grievant admitted, he no longer supervised other employees, which is a fundamental task of a Building Crew Leader.

While the Grievant did not receive a regular position as a Building Crew Lead, another employee, more senior than Grievant, did receive a Building Crew Lead position in West Sacramento and is directing the work of four other Building Mechanics.

Decision

The issue of temporary upgrades (when not filling in for an absent employee) is one that has been raised many times in the grievance procedure. And while there is no contractually established timeline for temporary upgrades, the Review Committee strongly recommends that the Company’s evaluation of whether to fill a vacated position on a regular basis or not should be made in an expeditious manner consistent with Section 205.1(a) of the Agreement.

This case is closed on the basis of the foregoing.

Claire Ica 8.16.17  
Claire Iandoli, Chairperson Date  
Review Committee

Kit Stice 8-16-17  
Kit Stice, Secretary Date  
Review Committee