

613.1 -Welders & Working
Foreman operating
a crane.



REVIEW COMMITTEE

IBEW



PACIFIC GAS AND ELECTRIC COMPANY
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MAY 13 1991

**CASE CLOSED
LOGGED AND FILED**

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

D.J. BERGMAN, CHAIRMAN

RECEIVED MAY 10 1991

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

Pre-Review Committee File No. 1427
ENCON Grievance No. 3-1989-89-94

May 6, 1991

BYRON TOMLINSON
Engineering and Construction
Joint Grievance Committee

BARRY HUMPHREY
Engineering and Construction
Joint Grievance Committee

Grievance Issue:

Company used Welders and Working Foreman to operate a crane.

Facts of the Case:

The Company used a Working Foreman, Welder, Apprentice Welder and Heavy Truck Driver to operate a Pettibone Crane to lift prefab pieces to weld. The Working Foreman stated that the Pettibone was used in the yard during the prefabrication of valve sets; he said the Pettibone was also used by, and shifted between, other crews during that period. When the Pettibone was used during the prefabrication process it was for the purpose of picking up the heavy pipe to check the fit of the valves. He said the length of time the Pettibone was used under these circumstances varied from 5 to 45 minutes. He further said the length of time required to use the Pettibone did not justify bringing an operator to Redwood City from San Francisco. He said that when the equipment was used for more than two hours they brought an operator from San Francisco.

Other employees testified that:

All the heavy pieces of pipe were placed on skids which were placed approximately four feet apart. For additional security to ensure that the welds did not crack, the tension on the crane was left in place, although the crane was turned off and there was no operator in the cab. All the welded joints on these valve sets are subject to 100% confirmation by x-ray.

They further said the pipe that was placed on the skids was already tacked securely into place. The skids are used to cradle the pipe so it can be brought up to a precise temperature when welded and will not crack.

The crew acknowledged operating the crane. All agreed that during the time the crane put tension on the pipe, it was turned off. They said the length of time they were physically on the crane was a very short period of time, no operator exceeded two hours a day. One employee said perhaps he was on the crane for one hour, maybe close to two, but it was so long ago he could not remember.

Discussion and Disposition:

The Union has several issues within this grievance:

- (1) Union contends that the Working Foreman in this case is (a) not licensed by the Company to operate the Pettibone, (b) not qualified to operate the Pettibone because he never went to school, and (c) not in the equipment Line of Progression. Further, Union member contends the work performed was beyond "incidental" as defined in Pre-Review Committee No. 665. Union contends that incidental infers to move equipment, etc.
- (2) Union contends that Company is violating the "law" and its own safety rules by not having an operator in the cab when there is load on the crane. Given this, Union contends the Company owes back wages for all time the crane was under load and no operator was in the cab.
- (3) Union contends that the appropriate pay classification for the Pettibone 25 based on Pre-Review Committee Nos. 1195 and 1294 is Crane Operator. Union member concedes that a Drott 5 to 15 ton is appropriately assigned to a Tractor Operator "B", and that Pettibone is equivalent to the Drott 5 to 15. The Union contends, however, that the crane operator is the classification for all cranes over 10 tons based on the cited Pre-Review Committee Decisions 1195 and 1294.

The Company responds to the Union's challenges as follows:

- (1) Working Foreman "B" have the contractual right to perform the duties of the classifications below him. Historically, over the years welding foreman have operated the crane associated with its use in building valve sets because the length of time required to use the equipment is so small (usually less than one hour per day; five to six minutes at a time) that it is not cost effective or practical to bring an operator into the yard for an entire day. In the instant case, the Working Foreman "B" is qualified to operate the equipment because he has been using it for over 20 years. The Company does issue licenses to operate equipment. Pre-Review Committee No. 665 addresses a similar case whereby a Working Foreman "B" operated a backhoe for less than two hours a day. Company member notes that operators were called in when the valve sets were installed. Since the equipment was operated for less than two hours per day the Company member finds no contractual violation.
- (2) The Company safety rules state that an operator must be on the crane at all times when a load is suspended. APR Rule No. 39 specifically notes

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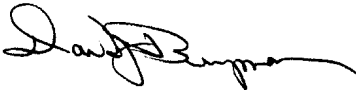
that an operator cannot leave a suspended load unattended "unless suspended over a barricaded area, blocked or otherwise supported from below during repair." According to the testimony presented the pipe was properly cradled by skids placed four feet apart while the welding was occurring. The practice of the Gas Department to leave the crane turned off without an operator while a load is under tension and cradled by skids is not against the Company APR rules. Therefore, Union member's claim for wages for operating the crane when it should have had an operator is not valid. Union member has not specifically identified the "law" which the Company is violating. Company is not aware of this law, but is more than willing to comply, if required.

- (3) Regarding Pre-Review Committee Nos. 1195 and 1294, the prior grievances focussed on over-the-road boom trucks and to the best memory of parties on the Company committees the question regarding the tonnage of the Pettibone was not addressed by the Union at the time because it is an all-terrain vehicle, not over the road. Company is not under the impression that Pre-Review Committee Nos. 1195 and 1294 was a renegotiating of Tractor Operator "B" classification.


Decision

Company agrees with the Union that an employee who operates a piece of equipment needs to be qualified. The Company further agrees that if the piece of equipment was to be operated for two hours or more, someone qualified should be upgraded to operate the equipment.

Committee agrees, in this case, that there was no need to upgrade an employee to operate the cranes; that it is not a safety violation and the work done in this case was de minimus. Case is closed without adjustment.



DAVID J. BERGMAN
CHAIRMAN
Review Committee



ROGER STALCUP
SECRETARY
Review Committee

JAM:tc