



REVIEW COMMITTEE

PACIFIC GAS AND ELECTRIC COMPANY
215 MARKET STREET, ROOM 916
SAN FRANCISCO, CALIFORNIA 94106
(415) 973-1125

D.J. BERGMAN, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

November 12, 1992

JAN - 6 1993

**CASE CLOSED
LOGGED AND FILED**

RECEIVED DEC 30 1992

Review Committee File No. 1692
Pre-Review Committee File No. 1352
ENCON Grievance Nos. 3-1874-88-111
Arb #178

KEN LEWIS, Chairman
ENCON
Joint Grievance Committee

BARRY HUMPHREY, Chairman
ENCON
Joint Grievance Committee

Grievance Issue:

The Company used agency workers to perform work that had historically been performed by Field Clerks after declaring a lack of work for Field Clerks.

Facts of the Case:

The Company hired seven agency workers to perform temporary work at the NPG warehouse at Diablo Canyon. The work consisted of material handling, data entry, inventory and preparation of material for auction.

The project started November 10, 1988 and ended March 31, 1989. The three grievants, McDonald, Lomax and Whited, were Clerical Assistants laid off on October 6, 1988 after being displaced by Field Clerks. All of the grievants had rehire rights pursuant to Section 306.14 of the Agreement.

The Company decided during September of 1988 to dispose of material at the warehouse. During the previous two years, General Construction supported the project with the necessary labor to perform the work. The Company had used Field Clerks, contractors and T/As to perform the work over the years. The disposal of the material was planned to take 90 days and to be completed in early 1989.

306.14 -Co inappropriately hired agency empls to do clerical/warehouse work, while laid off empls w/ rehire rights weren't recalled.

IBEW



INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W.
P.O. BOX 4790
WALNUT CREEK, CALIFORNIA 94596
(415) 933-6060
R.W. STALCUP, SECRETARY

Discussion:

The Company stated that at the time of the layoff, General Construction was not aware of this disposal project and that the work was under the direction of NPG and that there was no obligation to recall the laid off Clerical Assistants.

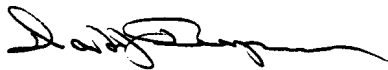
The Union argued that the work was General Construction as stated in grievance settlement for Grievance 22NPG-316-89-9. The Union further argued that Pre-Review Committee 1228 decision states that, "It was inappropriate for General Construction to lay off these employees while it was utilizing agency employees elsewhere performing similar work." As a result of the above settlements and the fact that the Company knew about the work prior to the layoff, it was an inappropriate layoff.

Disposition:

The Committee agrees, based on the various agreements since the filing of this case and settlements of various other cases, the chance for this issue arising again is remote.

As an equity settlement, the Company agrees to pay the three Clerical Assistants back wages only, from November 10, 1988 through March 31, 1989.

This case is closed without further adjustment and without prejudice.



DAVID J. BERGMAN
Chairman
Review Committee



ROGER W. STALCUP
Secretary
Review Committee

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