

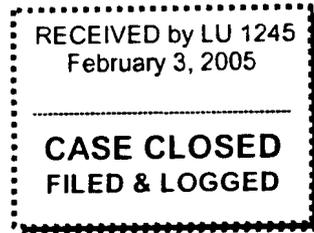


PACIFIC GAS AND ELECTRIC COMPANY  
2850 SHADELANDS DRIVE, SUITE 100  
WALNUT CREEK, CALIFORNIA 94598  
(925) 974-4282

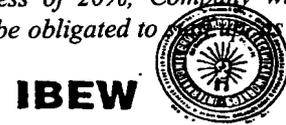
MARGARET A. SHORT, CHAIRMAN

DECISION  
LETTER DECISION  
PRE-REVIEW REFERRAL

## REVIEW COMMITTEE



609; Exh. XVI: *Building Services has been contracting out B.U. work in excess of 20%; Company will pay dues to Union and would be obligated to provide services provided for in Exh. XVI.*



INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS, AFL-CIO  
LOCAL UNION 1245, I.B.E.W.  
P.O. BOX 2547  
VACAVILLE, CALIFORNIA 94696  
(707) 452-2700  
SALIM A. TAMIMI, SECRETARY

**Arbitration Case No. 269**  
**Business Manager's Grievance IR-IBEW-03-01**  
**REVIEW COMMITTEE NO. 14488**  
**General Services Department – Building Services**

John Moffat  
Janette Wolf  
Company Member  
Local Investigating Committee

Roger Stalcup  
Debbie Mazzanti  
Union Member  
Local Investigating Committee

### Subject of the Grievance

This case alleges a violation of Exhibit XVI, Contracting Out, by failing to meet the staffing requirements based on hours of work contracted.

### Facts of the Case

A Business Manager's Grievance was filed on July 21, 2003. The grievance was referred by the Review Committee to arbitration; however, the parties met on September 7, 2004 and reached a resolution.

Building Services has been contracting out work normally performed by the bargaining unit since July 2000 when the provisions of Exhibit XVI became effective. Until December 2001, all Building Service purchase orders were being reviewed by the Industrial Relations Department to determine how many contracted hours represented work normally performed by the bargaining unit and should be reported pursuant to Exhibit XVI. Beginning in January 2002, the Building Services Department took over responsibility for this review. The amount of contracting hours reported for all of 2002 and the first two quarters of 2003 far exceeded the hours reported from July 2000 – December 2001. Company attributed this, not to increased contracting of work normally performed, but to a failure to review the purchase orders resulting in the reporting of gross hours contracted.

During the fourth quarter of 2001 the Building Services Subcommittee established the following method to calculate the hours to be reported:

Contracting hours will be determined by using an average rate for contractors (\$57.41 per hour) and dividing it into the total dollar amounts charged for (WNP) building services work contracted during the quarter. The resulting quotient represents the number of hours to be reported as contracted during the quarter.

The Building Services Department was given two opportunities to cull the records. In October 2004, the Building Services subcommittee agreed upon the hours to be reported through the fourth quarter of 2003. The 12-month average looking back for each quarter between second quarter 2001 and fourth quarter 2003 exceeded 20% contracting of work normally performed. Revised figures for 2004 have not yet been reported.

Decision

When the parties met on September 7, 2004, the following agreement was reached.

If Company is found to have contracted in excess of 20%, Company will pay dues to Union for those months based on dividing the excess hours by 2080 to determine the FTE shortfall. If the second quarter 2004 report shows contracting in excess of 20%, Company would be obligated to staff up, as provided for in Exhibit XVI.

Attached (not for distribution) is the dues liability provided for above.

This case is closed based on the foregoing.

**For the Company:**

Margaret A. Short  
Bob Lipscomb  
Dave Morris  
Toby Tyler

By: Margaret Short

Date: 1/31/05

**For the Union:**

Sam Tamimi  
William R. Bouzek  
Louis Mennel  
Sherrick A. Slattery

By: W.R. Bouzek

Date: Jan 31, 2005