

REVIEW COMMITTEE

PG and E

PACIFIC GAS AND ELECTRIC COMPANY
245 MARKET STREET, ROOM 444
SAN FRANCISCO, CALIFORNIA 94106
(415) 781-4211, EXTENSION 1125

IBEW 

RECEIVED AUG 27 1979

**CASE CLOSED
LOGGED AND FILED**

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
L.N. FOSS, SECRETARY

D.J. BERGMAN, CHAIRMAN

- DECISION
 LETTER DECISION
 PRE-REVIEW REFERRAL

Drum Division Grievance Nos. 15-39-78-15
and 15-40-78-16

Fact Finding Committee No. 1109-79-50
P-RC 458

Overtime Payment, Ditch Patrolman

August 24, 1979

MR. D. P. WILBUR, Company Member
Drum Division
Local Investigating Committee

MR. A. L. BAKER, Union Member
Drum Division
Local Investigating Committee

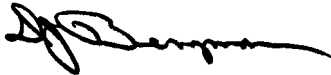
The above-subject grievance has been discussed by the Pre-Review Committee prior to its docketing on the agenda of the Review Committee and is being returned, pursuant to Section I B(2) of the Review Committee procedure, to the Local Investigating Committee for settlement in accordance with the following:

The case concerns the distribution of prearranged overtime on December 5 and 6, 1978. In Grievance No. 15-40-78-16, the grievant, a Ditch Patrolman, is alleging that by the Division upgrading Helpers to Ditch Patrolman, distribution of prearranged overtime was improper and is requesting to be paid for all time worked by the upgraded Helpers. On the other hand, the Division is arguing that there was a need for three Ditch Patrolmen, and as a matter of practicability, it was decided to utilize the upgraded Helpers rather than the grievant. The Pre-Review Committee, after discussing this case, is of the opinion that the upgrades to Ditch Patrolman were inappropriate inasmuch as the Ditch Patrolman classification, a resident employee, requires that an employee reside adjacent to a canal, and unless the upgraded employees were in fact residing adjacent to a canal, the upgrades were not proper. The job definitions and lines of progression, Exhibit VI-G, Water Department, have a compatible job in the form of Ditch Tender, with the difference being that the Ditch Tender is not required to reside adjacent to the canal. In reviewing this case, the Pre-Review Committee concludes that the appropriate classification of the Helpers upgraded would be that of Ditch Tender. Further, the job definition of the Helper allows for the breaking of ice on water ways provided that the employee receives the top rate of pay of the Helper classification. Therefore, the Pre-Review Committee agrees that as long as the Helpers were properly compensated, either at their top rate or a rate equivalent to that of a Ditch Tender classification, the question of equitable distribution of prearranged overtime is moot inasmuch as the job definitions provides for overlap among these classifications and, therefore, this grievance is closed without adjustment.

August 24, 1979

With regard to Grievance No. 15-39-78-15, the issue here is the grievant's claim that he should have had the choice of prearranged overtime assignments on December 5. Section 208.16 of the Agreement does not provide an employee a contractual right to choose any prearranged overtime assignments. This grievance then is also closed without adjustment.

These cases are considered closed on the basis of the foregoing, and the closure should be so noted by the Local Investigating Committee.



D. J. BERGMAN, Chairman
Review Committee



L. N. FOSS, Secretary
Review Committee

DJB:rto

cc: REMetzker
IWBonbright
LVBrown
FCBuchholz
JBStoutamore
RHCunningham
Personnel Managers