

REVIEW COMMITTEE



PG and E

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

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
M.A. MEDEROS, SECRETARY

D.J. BERGMAN, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

Coast Valleys Division Grievance Nos. 18-469-80-15, 18-465-80-11
P-RC 547
Fact Finding Committee Nos. 1515-80-88 and 1517-80-90
Failure to Use Emergency Overtime List

June 23, 1980

MR. D. J. COYNE, Company Member
Coast Valleys Division
Local Investigating Committee

MR. C. WHEELER, Union Member
Coast Valleys Division
Local Investigating Committee

The above-subject grievances have been discussed by the Pre-Review Committee prior to their docketing on the agenda of the Review Committee and are being returned, pursuant to Section IB(2) of the Review Committee procedure, to the Local Investigating Committee for settlement in accordance with the following:

These cases involve the alleged failure of the Company to call the grievants who were properly signed up on the weekly call-out list for emergency overtime on January 22, 1980. The grievants, a Machinist and a Helper are employed in the Steam Maintenance Department, Moss Landing Power Plant.

This grievance issue has been resolved previously both in Fact Finding and Pre-Review Committee settlements. The issue, simply stated, is whether or not the Company met its obligation in calling these grievants out for emergency overtime, based on the Foreman's testimony that he called the grievants at approximately 2:00 a.m. and received no answer, and the grievants' testimony that each were home at that time and did not receive a phone call. The facts in this case, however, differ from others in the past in that the Foreman testified that he called seven people of whom he was able to contact three who then responded for overtime. Of those called who did not respond, the Foreman testified that there was no answer when he telephoned them. An additional, complicating factor in this case is that the Foreman testified that he did not have the overtime call-out list home with him when he made the calls, but he stated that he knew who was on the list. Of those the Foreman called, only the grievants were signed up on the weekly call-out list.

While this case is somewhat more complicated, in terms of the number of individuals involved, than others like it in the past, the Pre-Review Committee usually is not in a position to determine that the Foreman did not make the calls, nor conclude that the grievants had made themselves unavailable by not being home. This case contains several factors that defy settlement in the usual manner: (1) The date and time

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in question fell in the basic work week (Tuesday 2:00 a.m.) a time period when one could reasonably expect at least some of the on-call employees to be home and available when, and if, called. (2) The supervisor, through his own testimony, stated that he did not have a copy of the on-call list when he made the calls. The on-call employees all testified that the phone numbers on that list were their own current numbers. (3) The three employees that did respond had not signed the on-call list and finally, (4) The record is devoid of any indication that the grievants had failed to respond to any previous call-outs.

The Pre-Review Committee agrees that it is unlikely that the Helper, based upon her own testimony, was well enough to respond as she was off sick and unable to work on the following day. As to the other grievant of record, the Machinist, his case is to be settled in accordance with Section 212.11(b).

These cases are considered closed on the basis of the foregoing without prejudice to the position of either party, and the closure should be so noted by the Local Investigating Committee.



D. J. BERGMAN, Chairman
Review Committee



M. A. MEDEROS, Secretary
Review Committee

PEPettigrew(1123):ml

cc: FCMarks
MEBadella
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