

202 HOURS CLARIFICATION  
202.17

# REVIEW COMMITTEE

## PG and E

## IBEW

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INTERNATIONAL BROTHERHOOD OF  
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R.W. STALCUP, SECRETARY

FEB 25 1985

**CASE CLOSED  
LOGGED AND FILED**

D.J. BERGMAN, CHAIRMAN

**RECEIVED FEB 19 1985**

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

Nuclear Plant Operations Grievance No. 22-21-83-21  
P-RC 911

February 15, 1985

MR. D. A. OKABAYASHI, Company Member  
Nuclear Plant Operations  
Local Investigating Committee

MR. D. REESE, Union Member  
Nuclear Plant Operations  
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 Step Five A(ii) of the grievance procedure, to the Local Investigating Committee for settlement in accordance with the following:

Grievance Issue

On February 20, 1983, the Control Operator on the "C" watch at Diablo Canyon Power Plant (DCPP) transferred to a Relief Control Operator position leaving vacant his position. There are six operation modes for a licensed nuclear power plant. At the time of this incident, DCPP was being maintained at Mode 5. In Mode 5, the Company is required to maintain a minimum of one licensed Control Operator on each watch to meet Nuclear Regulatory Commission requirements. The Company reviewed the staffing of the other four watches and determined that two of the watches had an extra licensed Control Operator. Therefore, the Company moved the grievant, a licensed Control Operator, from the "D" watch to the "C" watch. The Union grieved the Company's action requesting that the grievant be paid overtime for all hours worked outside of his normal hours for the first four days of the new schedule. The Company took the position that the move was required to "balance" the watches and, therefore, no overtime payment was required.

Background

In the 1966 negotiations, the Company and Union reached agreement regarding the transferring of shift employees between watches. The agreement provided that every shift employee would be assigned a regular watch schedule and that such assignments were intended to be permanent and not changed for relief purposes. The agreement also provided that for steam power plants the employee's annual assignment may include one predesignated transfer from one watch schedule to another in order to rotate the employees between different Foremen and Senior Control Operators for training and evaluation purposes. The notice of this transfer would be required in the employee's annual watch schedule assignment determined at the beginning of the year. The agreement also provided that the provisions of Section 208.18 were intended to provide for permanent transfers when an employee's status changes.

Discussion

The Union believed that this current transfer was not a change in status for the grievant and the reason for the move was to fill a vacancy on a permanent shift. Therefore, the employee should be paid overtime for all hours worked outside of his old schedule for the first four days. The Company argued that due to the NRC license requirements and the need for a properly qualified licensed Control Operator on the "C" watch, the transfer was appropriate. In support of the "balancing" argument the Company cited Review Committee Decisions 1008 and 1086. After reviewing RC 1008 and 1086, the Committee agreed that those decisions were not applicable to this grievance.

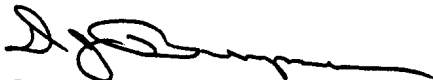
Decision


Considering the case at hand in light of the language from the 1966 negotiations and the prior Review Committee decisions, the Pre-Review Committee agrees that the changing of employee schedules for the purpose of maintaining the appropriate numbers of licensed operators on the various watches was never discussed or contemplated during the 1966 negotiations.

The Committee agrees that the employee in this case should be paid overtime for all hours outside his normal hours for the first four days of the new schedule.

The Committee also believes that the Company and Union, at the Local level, should meet and negotiate provisions to provide for "balancing" the CO classification, as well as other operator classifications, at DCPD in order to meet NRC license requirements. This agreement must be reviewed and approved by the Company's Manager of Industrial Relations and Union's Business Manager prior to implementation. The Committee recommends that until such agreement is reached, that volunteers be requested when a schedule change is required to balance the watch. In the event there are no volunteers, the Company may assign an employee from another watch but in doing so is obligated to pay the employee overtime for all hours outside of his regular schedule for the first four days of the new schedule.

This case is considered closed on the basis of the above and should be so noted by the Local Investigating Committee.

  
D. J. BERGMAN, Chairman  
Review Committee

  
R. W. STALCUP, Secretary  
Review Committee

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