


REVIEW COMMITTEE
PG and E
IBEW 

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

**CASE CLOSED
LOGGED AND FILED**

JUN 19 1986

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

D.J. BERGMAN, CHAIRMAN

RECEIVED JUN 19 1986

- DECISION
 LETTER DECISION
 PRE-REVIEW REFERRAL

Golden Gate Region Grievance No. 2-1214-85-143
P-RC 1071

June 16, 1986

KENT H. ANDERSON, Company Member
Golden Gate Region
Local Investigating Committee

ED CARUSO, Union Member
Golden Gate Region
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(v) of the grievance procedure, to the Local Investigating Committee for settlement in accordance with the following:

Subject of the Grievance

This grievance concerns the issue of whether a Traveling Certified Welder was required to work in excess of 21 days without having had two consecutive days off in violation of Section 208.23.

Facts of the Case

On Sunday, August 11, 1985, the grievant was called by his supervisor and asked to work. The grievant acknowledged that the supervisor did not order him in or tell him he must come in. The grievant did tell the Foreman, "I'm counting" which he believed made it clear that he would continue his count toward 21 consecutive days without having had two consecutive days off. The Foreman acknowledged that the grievant had told him he was counting. The grievant worked from 7:00 p.m., August 11, 1985, until 5:30 a.m., on Monday, August 12, 1985. He was off on a rest period on Monday, and on Tuesday, August 13, 1985, was off with pay. On Wednesday, August 14, 1985, the grievant reported to work to ask whether he was to be off that day as well, in accordance with Section 208.23. The grievant was told that he had to work that day and could have been worked the day before as well. The grievant worked on August 14, 15 and 16, 1985 and then had two consecutive days off.

Discussion

The current clarification of Sections 208.23 and 308.15 states, in part, that work beyond the 21 consecutive day limit may be performed in the case of "employees voluntarily working emergency overtime" or "any prearranged work where it is clear that the assignment to such work is voluntary on the part of the concerned employee."

In discussion of this case, it was the Union's initial position that

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"voluntary" means signing the Title 212 list in the case of emergency overtime, or participating in a Title 208 procedure for prearranged overtime. Company argued that the clarification does not require an employee to have signed a Title 212 or 208 list to be considered a volunteer. An employee may be considered to have volunteered if the supervisor asks the employee if they will work and the employee agrees.

Decision

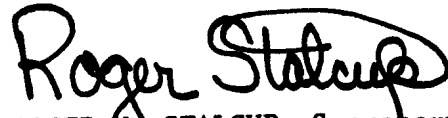
In the case at hand, while it is clear that the supervisor did not order or require the grievant to work, it is equally clear that while he would work, the grievant let the supervisor know that he would also continue his count toward 21 consecutive days. This cannot be construed as "volunteering" to work pursuant to Section 208.23 and its clarification.

The Committee noted that there is no penalty provided in Section 208.23 for a violation of the provisions of this section since the ban is absolute. The grievant has since received two consecutive days off, and the request for overtime payment is contractually inappropriate.

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



DAVID J. BERGMAN, Chairman
Review Committee



ROGER W. STALCUP, Secretary
Review Committee

RRD(222-1408):mc