

REVIEW COMMITTEE

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207.2



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

CASE CLOSED
LOGGED AND FILED

DEC 30 1987

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
R.W. STALCUP, SECRETARY

D.J. BERGMAN, CHAIRMAN

RECEIVED DEC 23 1987

San Joaquin Division #25-932-86-94
P-RC 1207

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

December 22, 1987

RICK KANGAIL, Company Member
San Joaquin Division
Local Investigating Committee

FRANK HUTCHINS, Union Member
San Joaquin 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 Step 5A(ii) of the grievance procedure, to the Local Investigating Committee for settlement in accordance with the following:

Facts of the Case

This grievance concerns whether an earlier grievance is a proper subject for the grievance procedure. The earlier grievance was filed on October 24, 1986 over the "discharge" of an agency employee performing work of the Routine Hydro Clerk classification. The agency employee had been released approximately ten days prior to the filing of the grievance. Company refused to process the grievance on the basis that the agency employee was not an employee of PG&E and, therefore, IBEW, Local 1245 was not recognized as the bargaining representative for the agency employee. Union argued that PG&E was a joint employer of the agency employee, entitling the agency employee to enjoy the benefits of the agreement between PG&E and Local 1245.

Discussion

The Committee recognizes that since the filing of this grievance the parties have settled the joint employer issue in Review Committee Case No. 1637. That decision was resolved with a cease and desist remedy providing for the release of agency employees. Were the earlier grievance pursued, that same remedy would apply and in fact did occur. Therefore, this case is rendered moot and is closed as such. The earlier grievance should be disposed of in the same manner by the Local Investigating Committee.

DAVID J. BERGMAN, Chairman
Review Committee

ROGER W. STALCUP, Secretary
Review Committee

RRD:sm