



# REVIEW COMMITTEE

613.1 & 2.1 - Recognition:  
Contractor doing bu  
work as joint employer.

## IBEW



JAN 25 1990

PACIFIC GAS AND ELECTRIC COMPANY  
215 MARKET STREET, ROOM 916  
SAN FRANCISCO, CALIFORNIA 94106  
(415) 973-1125

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  
R.W. STALCUP, SECRETARY

**CASE CLOSED  
LOGGED AND FILED**

**RECEIVED JAN 23 1990**

D.J. BERGMAN, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

General Construction Grievance No. 3-1929-89-34  
P-RC 1387

January 18, 1990

BYRON TOMLINSON, Chairman  
General Construction  
Joint Grievance Committee

BARRY HUMPHREY, Chairman  
General Construction  
Joint Grievance Committee

### Subject of the Grievance

This case concerns agency hires working in excess of 90/110 days.

### Facts of the Case

In February 1986, the Company and Union, through Letter Agreement No. R2-85-112, established the classification of Telecommunications Equipment Installer in the G.C Station Department. The establishment of this classification recognized that some of the telecommunications work performed by General Construction did not require an FCC license. Once an employee did obtain the certification, he/she could then progress to Communication Technician.

In February of 1988, the Company proposed that the classification of Telecommunications Equipment Installer be further modified to reflect the level of work being performed, the necessary skills and qualifications, and the appropriate rate of pay.

During this time period, agency employees were hired to perform this lower level semi-technical work. In April 1989, the Union responded that they were not interested in modifying the classification. While the Company waited for this response, several employees exceeded 90/110 days.

### Discussion

The Union argued this was improper and that the Company was liable for back dues. The Committee then reviewed Arbitration 142 and Review Committee Decision No. 1637 to examine the Company's liability with respect to dues.

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Company noted that it had ceased and desisted its use of agency employees to perform this work; and that if the agency employees in question passed the pre-employment and entrance exams, the Company would hire them.


Decision

Based on the review of Arbitration 142 and Review Committee Decision No. 1637, the Company agreed to pay the Union dues for those agency employees listed in Exhibits 3 and 4 of the grievance that exceeded the 90/110 day limit. Dues shall be paid from 30 days after starting work at the agency for PG&E.

This case is considered closed based on the foregoing and such closure should be so noted in the minutes of Joint Grievance Committee.



DAVID J. BERGMAN, Chairman  
Review Committee



ROGER W. STALCUP, Secretary  
Review Committee

RLBolf(223-5665):mc