



# REVIEW COMMITTEE

**IBEW**



PACIFIC GAS AND ELECTRIC COMPANY  
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INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS, AFL-CIO  
LOCAL UNION 1245, I.B.E.W.  
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WALNUT CREEK, CALIFORNIA 94596  
(415) 933-6060  
R.W. STALCUP, SECRETARY

D.J. BERGMAN, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

**RECEIVED JUL 16 1990**

Santa Rosa Division Grievance No. RW-SR-04-64-89-89-27  
Fact Finding Committee No. 4720-90-52  
P-RC 1455

July 9, 1990

DOUG VEADER, Company  
Fact Finder

DOROTHY FORTIER, Union  
Fact Finder

The above-referenced grievance has been reviewed by the Pre-Review Screening Committee and is being returned to the Fact Finding Committee with a recommendation to close the case without adjustment due to the apparent good faith effort to shed the contract employee upon notification that the department was back to full complement.

DAVID J. BERGMAN, Chairman  
Review Committee

ROGER W. STALCUP, Secretary  
Review Committee

RRDoering(223-1124):nj

cc: Shelley Verbin

MEMORANDUM OF DISPOSITION  
FACT FINDING NO. 4720-90-52  
REDWOOD REGION GRIEVANCE NO. RW-SR-04-64-89-89-27

DEC - 4 1990

CASE CLOSED  
LOGGED AND FILED

SUBJECT OF GRIEVANCE:

RECEIVED DEC - 3 1990

The Union alleged that on or about November 6, 1989 the grievant was bypassed for overtime when Company supervision utilized a retired employee to accomplish work instead of calling out the grievant.

DISCUSSION:

The Fact Finding Committee met in Santa Rosa on April 9, 1990. The Committee consisted of Donna Rodella, Human Resources Representative; Doug Veader, Senior Labor Relations Representative; Dorothy Fortier, IBEW Assistant Business Manager; and Larry Pierce, IBEW Business Representative. They reviewed the facts of the case as previously outlined in the Local Investigating Committee report. The case involved a retired Gas Serviceman who was being utilized at the Petaluma headquarters to provide relief behind employees who had been sent to a temporary headquarters due to the October 1989 earthquake. This was part of a system-wide practice. The grievance issue arose when the retiree was utilized on Monday, November 6, 1990 which was the day the regular Gas Servicemen returned. This day was the grievant's regular day off. The Union claimed that the Company should have utilized the grievant on overtime, instead of continuing to utilize the retiree on a contract basis.

The Fact Finding Committee referred the case to the Pre-Review Committee; the case was later sent back to Fact Finding by the Pre-Review Screening Committee. The Fact Finding Committee reconvened on August 28, 1990. The Committee members were Shelley Brott, Division Human Resources Manager; Doug Veader, Senior Labor Relations Representative; Ken Bal, IBEW Business Representative and Larry Pierce, IBEW Business Representative.

The Union's position was that the Company violated the provisions of LA 88-104 when it utilized the services of a contract employee without making any effort to determine if the grievant was available to work on a voluntary overtime basis. On November 3, 1989 the Company solicited the contract employee to work on the following Monday, which was the grievant's regular day off. The grievant was available and would have worked if he had been asked. Therefore, he should be paid for all hours worked by the contract employee on that day.

The Company's position was that the utilization of the contract employee was appropriate and did not violate the Agreement. The use of retired employees was part of a system-wide earthquake relief effort. It was not known in advance that the regular employees would be returning on November 6. Had the services of the contract employee been concluded prior to November 6, there was no guarantee that the Company would have needed the grievant to work overtime on that day. In addition, the contract employee was released from his assignment after that day, after the supervisors became aware of the regular employees' return.

DISPOSITION

The Fact Finding Committee agreed to settle the case without adjustment. This is based on the fact that the Company made a good faith effort to release the contract employee upon notification that the department was back to the its full complement of employees.

Shelley Brott (CONCUR/DISSENT) 9-17-90  
SHELLEY BROTT, For Company DATE

Doug Veader (CONCUR/DISSENT) 9-21-90  
DOUG VEADER, For Company DATE

Ken Ball (CONCUR/DISSENT) 11-29-90  
KEN BALL, For Union DATE

Larry Pierce (CONCUR/DISSENT) 11-29-90  
LARRY PIERCE, For Union DATE