

MEMORANDUM OF DISPOSITION  
FACT FINDING NO. 4694-90-26  
GRIEVANCE NO. RW-VN-04-68-90-06-04  
(PRE-REVIEW CASE NO. 1456)

NOV - 5 1991  
**CASE CLOSED  
LOGGED AND FILED**

**RECEIVED OCT 22 1991**

SUBJECT OF GRIEVANCE:

On January 16, 1990 the Union alleged that the Company did not equally distribute pre-arranged overtime (POT) among the Lineman in the Vallejo headquarters during the accounting period of 1989.

DISCUSSION:

The Fact Finding Committee originally met in Santa Rosa on April 9, 1990. The Committee consisted of Cynthia Bozman, Human Resources Manager; Doug Veader, Senior Labor Relations Representative; Dorothy Fortier, IBEW Assistant Business Manager; and Larry Pierce, IBEW Business Representative. The Committee reviewed the facts of the case as previously outlined in the Local Investigating Committee report. The Fact Finding Committee agreed that there was some inequitable distribution of overtime but disagreed what remedy should be applied.

The Fact Finding Committee referred the case to the Pre-Review Committee, as PRC Case No. 1456, where a settlement was reached. The Pre-Review Committee agreed that the following formula, which was recommended by the Company Fact Finders, should be applied.

1. Add up the total number of overtime hours actually worked by the Linemen in the headquarters.
2. Divide the total in No. 1 by the number of Linemen in the headquarters. This figure represents each employee's equitable distribution of the total overtime worked within the confines of practicability as provided for in Section 208.16.
3. Compare the figure in No. 2 above with the opportunity provided each Lineman as shown by their total overtime opportunities (actual plus declined or not available).
4. Where No. 2 exceeds No. 3, pay the employees the difference unless there are extenuating circumstances (i.e., extended time on Workers' Compensation).

The Pre-Review Committee referred the case back to the Local Investigating Committee for settlement in accordance with the agreed-to formula. The LIC could not agree on how to implement the PRC decision and therefore referred the case back to Fact Finding Committee, comprised of Doug Veader, PG&E Sr. Labor Relations Representative; Cynthia Bozman, Human Resources Manager, Ken Ball, IBEW Sr. Business Rep; and Larry Pierce, IBEW Business Representative.

The Union's position was that the Pre-Review Committee was not aware of the accounting system used by Vallejo when it handed down its decision. The Union contended that the Company's method of charging employees was not appropriate and that the Pre-Review Committee formula should not be applied to this case.

The Company's position was that the Pre-Review Committee had agreed on a remedy. If there was a problem with the accounting system, it was never addressed in previous discussions, nor was it ever grieved. After lengthy discussion it was agreed that the accounting system does not provide an accurate means for determining if POT has been equitably distributed, and as such, the Fact Finding Committee agreed that local management and the Business Representative should revise the accounting system and adjust, to the extent practicable, the records for 1991. It was agreed, however that the record book for 1989 was closed, and the Pre-Review Committee decision should be applied to those figures.

DISPOSITION

Based on guidelines of PRC #1456, the Committee agreed to close out this grievance with the following adjustment:

Tom Gillespie 6.44 hours x \$19.20 = \$123.65 x 1.5 = \$185.48  
Phil Olivas 3.19 hours x \$19.20 = \$ 61.25 x 1.5 = \$ 91.88

Valerie Thibault (concur/dissent) 8/12/91  
Valerie Thibault, for Company Date

Doug Veader (concur/dissent) 8/15/91  
Doug Veader, for Company Date

Ken Ball (concur/dissent) 10-22-91  
Ken Ball, for Union Date

Larry Pierce (concur/dissent) 10-4-91  
Larry Pierce, for Union Date