



REVIEW COMMITTEE



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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R.W. STALCUP, SECRETARY

D.J. BERGMAN, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

RECEIVED JUL 16 1990

San Joaquin Valley Region Grievance No. SJ-SJ-SJ-16-90-25-6
Fact Finding Committee No. 4757-90-89
P-RC 1458

July 9, 1990

ANDY EUSER, Company
Fact Finder

BOB GIBBS, Union
Fact Finder

The above-referenced grievance has been reviewed by the Pre-Review Screening Committee and is being referred back to Fact Finding with the understanding that the grievance is untimely with respect to the individuals laid off but is a continuing grievance relative to department numbers and should be reexamined in light of the 88-104 Ad Hoc settlements.

DAVID J. BERGMAN, Chairman
Review Committee

ROGER W. STALCUP, Secretary
Review Committee

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SAN JOAQUIN VALLEY REGION
GRIEVANCE NO. SJ-SJ/SJ-16/90-25/6
FACT FINDING NO. 4757-90-89 - PRE-REVIEW NO. 1458

OCT 26 1990

**CASE CLOSED
LOGGED AND FILED**

MEMORANDUM OF DISPOSITION

RECEIVED OCT 22 1990

CASE SUBJECT:

This case concerns the layoff of three Materialsmen. The unresolved issues in this case are:

- Is the grievance timely in respect to the employees laid off?
- Is the grievance timely relative to the Letter Agreement 88-104 department numbers?
- Is there a violation of Letter Agreement 88-104?

CASE FACTS:

- 1) The three materialsmen were laid off between 11-17-89 and 11-30-89. None of the three Materialsmen had reached regular status (6 months) at the time of layoff.
- 2) The Union filed the grievance on 2-9-90.
- 3) The "regular" workforce for the Warehouse on 9-1-88 was determined to be unofficially 21 (due to ongoing Company/Union discussions this is not verified). The department numbers at that headquarters has fluctuated between 17 and 21 since 9-1-88.
- 4) Contracting was discussed by the LIC in items 5, 6, 7, & 8. The LIC did not agree as to whether contracting as described in Letter Agreement 88-104 was occurring in that department and headquarters.

DISCUSSION:

The Committee agreed, based on the date of layoff and the expiration of 30 calendar days as noted in Subsection 102.3(a)(2), that the grievance was not timely with respect to the employees laid off. The Committee did however agree that based on the possibility of an ongoing violation of the "regular" workforce requirement of Letter Agreement 88-104 that the issue relative to department numbers is a continuing grievance and should be examined in light of the 88-104 Ad Hoc settlements.

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The Committee agreed, should the Company be in violation of Letter Agreement 88-104, the Company would be required per P-RC 1404 to hire enough Warehouse positions to bring the department at the headquarters back to their determined "regular" workforce.

The Company agreed to fill four Materials positions (17 + 4 = 21) until the Materials Department study is completed which will assist in evaluating the department's efficient use of manpower, equipment, and facilities. The Union positioned that future reductions of the "regular" workforce would be evaluated when they occur.

SETTLEMENT:

This case is settled with no adjustment to the three Materialsmen who were laid off. However, the grievance is considered timely relative to the issue of department numbers.

The issue of department numbers is settled without prejudice to the positions of either party by the Company's filling of four Warehouse positions (17 + 4 = 21).

This case is closed based on the above.

Andrew Euser
Andrew Euser, Company Member

Concur/~~Dissent~~ 9-19-90
Date

T. Phebus
Tom Phebus, Company Member

Concur/~~Dissent~~ 9-19-90
Date

Kenneth L. Ball
Ken Ball, Union Member

Concur/~~Dissent~~ 10-22-90
Date

Robert Gibbs
Bob Gibbs, Union Member

Concur/~~Dissent~~ 9-24-90
Date