



# 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

RECEIVED JUL 16 1990

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

Stockton Division Grievance No. SJ-STKN-76-16-90-23-5  
Fact Finding Committee No. 4752-90-84  
P-RC 1464

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 returned to Fact Finding for examination in light of the 88-104 Ad Hoc settlements.

DAVID J. BERGMAN, Chairman  
Review Committee

ROGER W. STALCUP, Secretary  
Review Committee

RRDoering(223-1124):nj

cc: Mike Edwards

OCT 10 1990  
**CASE CLOSED**  
**LOGGED AND FILED**  
RECEIVED OCT 10 1990

MEMORANDUM OF DISPOSITION  
STOCKTON DIVISION GRIEVANCE No. SJ-STKN-76-16-90-23-5  
FACT FINDING COMMITTEE No. 4752-90-84  
P-RC 1464

SUBJECT OF GRIEVANCE:

This grievance concerns an alleged violation of Letter Agreement 88-104 in the Company's failure to fill three positions in the Gas T&D Department, Stockton. The grievance was referred to Fact Finding on April 18, 1990. It was subsequently referred to Pre-Review on June 7, 1990. On July 9, 1990, the case was sent back to the Fact Finding Committee for settlement in conformance with the June 19, 1990, 88-104 Decisions of the Review Committee. On September 6, 1990, the Fact Finding Committee met to resolve the grievance.

FACTS OF THE CASE:

1. Attached hereto and made part of this memorandum is the report of the Local Investigating Committee No. SJ-STKN-76-16-90-23-5.
2. The Stockton Gas T&D Department was at or above its 88-104 staffing level when three temporary additional Gas Helpers were hired.
3. Contracting was under way in Stockton Gas T&D at the time the Helpers were hired.
4. The contracts in question were "open ended" wherein the contractor was used "as needed" and payment was at a set amount by foot and by the hour.
5. All contracting in the Stockton Gas T&D Department was ended on 12-14-89.
6. The three probationary Gas Helpers were laid off for lack of work on 12-15-89.
7. Contracting as described in item #4 above, was resumed by the Stockton Gas T&D Department on 1-18-90.

DISCUSSION

The Committee agreed that the type of contracting being done in this case was open ended in contrast to a "hard money" contract. A hard money contract is one in which there is an agreement to perform a specific job, within a set period of time, for a fixed price. In the present case, the contractors were being used on an "as needed" basis throughout the year.

The Committee agreed that the days that elapsed between the end of contracting on 12-14-89, and the resumption of contracting on 1-18-90, was not a convincing period due to the type of contracting described.

The Committee noted that the three Gas Helpers were probationary at the time of layoff and have no rehire rights.

CONCLUSION:

Based on the 88-104 Ad Hoc settlements (P-RC 1404), the above information, and the report of the Local Investigating Committee, it appears that the Company did violate the provisions of Letter Agreement 88-104.

DECISION:

It is the decision of this Committee that the Company shall add three bargaining unit employees to the Gas T&D Department in Stockton. This grievance is closed.

Kenneth Ball  
Ken Ball, Union Member      Concur/Dissent      10-9-90  
date

Bob Gibbs  
Bob Gibbs, Union Member      Concur/~~Dissent~~      10-2-90  
date

Andy Euser  
Andy Euser, Company Member      Concur/~~Dissent~~      9-23-90  
date

Mike Edwards  
Mike Edwards, Company Member      Concur/~~Dissent~~      9-19-90  
date