

17.3 Floating Holiday
17.7 Intermittent Status

Entitlement of Intermittent
Employees to Floating Holi-
days



REVIEW COMMITTEE

IBEW



PACIFIC GAS AND ELECTRIC COMPANY
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MAY 14 1992

**CASE CLOSED
LOGGED AND FILED**

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 MAY 14 1992

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

Colgate District Grievance No. SV-80-12-90-5
P-RC 1497

May 1, 1992

JULIE HATCHER, Company Member
Sierra Division
Local Investigating Committee

ED FORTIER, Union Member
Sierra Division
Local Investigating Committee

Subject of the Grievance:

Denial of Floating Holidays for an Intermittent Meter Reader.

Facts of the Case:

The grievant was hired in 1984 as a full-time employee and attained regular status before being appointed to an Intermittent Meter Reader in 1988. The grievant is assigned to read routes B through V (1/2 of V) each month and sometimes fills in on an as-needed basis in the office on other days during the month when she is not reading one of the assigned routes. Every month, the grievant works at least 16-1/2 regularly scheduled days. She works 40 hours per week for each of the first three weeks of each month.

Testimony in the Local Investigating Committee report indicates that the grievant was granted Floating Holidays in 1989 but not 1990, the year in which the grievance was filed. The Local Investigating Committee report also indicates that there was another employee in the Division who had been intermittent since 1965. Records show and she confirmed that she had never received Floating Holidays until and only in 1989.

Discussion:

The parties reviewed Subsection 17.7(a) which states:

"An intermittent employee is one who does not work any set schedule of hours per day or days per week, but who is on call to fill in on any schedule on an as-needed basis. During sickness or vacation relief periods, however, such employee may be assigned to work the schedule and hours of the absent employee if such an assignment cannot be made pursuant to the provisions of Subsection 18.3(a) or any Relief Agreement."

May 1, 1992

The Union noted and Company agreed that the grievant is not being utilized on an intermittent basis. The Committee also reviewed Review Committee Decision 1102 concerning holiday pay entitlement for intermittent employees who have regular status. The Review Committee Decision states:

"... they work only when a specific need arises for their services. Obviously, then, where, as in this case, the office in which she worked was closed there would be no need for her services on that day. Such an employee, then, is not entitled to holiday pay."

Company acknowledged that this 1972 decision predated the advent of Floating Holidays in 1977, but the principle is that as a general rule, intermittent employees are not entitled to holiday pay on the premise that they are used on an as-needed basis and their services normally would not be required due to office closure. The Floating Holiday though presents a twist because the request obviously would come on a day when the office would not be closed. However, to grant the Floating Holiday undermines the usefulness of the classification, if when called to work the employee can then take the day off on a Floater. In locations where there is only one intermittent, where is the Company to get the needed relief?

The Union opined that Subsection 17.7(c)(5) grants holidays to all regular status intermittent employees and does not contain exclusions for Floating Holidays. Further, the Union opined that the grievant is misclassified in that her utilization fits neither the definition for intermittent or part-time scheduled status and on that basis she should be entitled to the holiday pay.

Decision:

In an effort to resolve this matter for the future, the Pre-Review Committee agreed that for regular status intermittent employees who are utilized in an as needed manner there is no entitlement to Floating Holidays. However, if a regular status intermittent employee who has been assigned to work for more than one workday for relief of an absent employee or due to additional workload (and the schedule is known in advance) requests a Floating Holiday during such an assignment, it may be granted. This request may be denied for operational reasons even if no other employee in the same classification is on a Floating Holiday. In such case, the intermittent may take the Floating Holiday at another time later during that year.

Company can manage this situation by utilizing intermittent employees in the intended manner and thereby avoid having such employees attain regular status. Then, only those regular full time employees who accept intermittent status would be eligible for holiday consideration.

May 1, 1992

With respect to the grievant, the Pre-Review Committee agrees to compensate her for the three Floating Holidays in 1990 based on the known schedule that she was working at that time.

This case is considered closed on the basis of the foregoing and the adjustment contained herein. Such closure should be so noted by the Local Investigating Committee.


DAVID J. BERGMAN, Chairman
Review Committee


ROGER W. STALCUP, Secretary
Review Committee

MAShort(223-1123):nj