



REVIEW COMMITTEE

208.12 -POT Notice.
Where notice to work POT
given outside reg hrs, but
where a reg workday comes
bet notice & actual work
time, still defined as POT.



PACIFIC GAS AND ELECTRIC COMPANY
215 MARKET STREET, ROOM 916
SAN FRANCISCO, CALIFORNIA 94106
(415) 973-1125

**CASE CLOSED
LOGGED AND FILED**

RECEIVED APR - 1 1992

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W.
P.O. BOX 4790
WALNUT CREEK, CALIFORNIA 94596
(415) 933-6060
R.W. STALCUP, SECRETARY

D.J. BERGMAN, CHAIRMAN

- ☐ DECISION
- ☐ LETTER DECISION
- ☐ PRE-REVIEW REFERRAL

San Francisco Division Grievance No. GG-SF-42-02-90-77-47
P-RC 1536

March 31, 1992

SANDY COOPER, Company Member
San Francisco Division
Local Investigating Committee

ED CARUSO, Union Member
San Francisco Division
Local Investigating Committee

Subject of the Grievance:

This case concerns whether the Company violated Section 208.12 of the contract by giving a prearranged overtime notice outside of an employee's regular work hours.

Facts of the Case:

The grievant's regular work hours were from 8:00 a.m. to 4:30 p.m., Monday through Friday. On Thursday evening, July 27, 1990, the grievant was working an overtime assignment. During that time he was asked to work a prearranged overtime assignment that would begin after his regular work hours on Friday, July 28, 1990.

Discussion:

Section 208.12 provides the following "...prearranged work is deemed to be work for which advance notice has been given by the end of the employee's preceding work period on a work day." The Union argued that under this language the Company is required to notify employees of overtime assignments during their regular work hours. According to the Union, if the notice had been given during regular work hours on either Thursday or Friday no violation would have occurred in this case.

The Company recognized that under RC 1556 it is obligated to notify employees during their regular work hours for prearranged overtime occurring on that day. Notification after the end of regular work hours for overtime work on the same day is regarded as emergency overtime. Consequently, notification after regular work hours on Friday would have caused the assignment in question to be paid at emergency overtime rates.

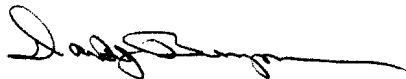
March 31, 1992

However, unlike RC 1556, there was an intervening work day between notification and the overtime assignment in this case. Under these circumstances, when there is an intervening regularly scheduled workday, the Company argued that it was not intended that notice be restricted to an employee's regular work hours. The Company also stated that the intent of the Section was to provide employees with as much advance warning of prearranged overtime assignments as possible. Therefore it would seem irrational to limit the language so as to require the Company to notify the employee at a later time in order to meet a "regular work hours" constraint. Finally, the Company noted that Section 208.12 provides no penalty for failing to give proper advance notice.

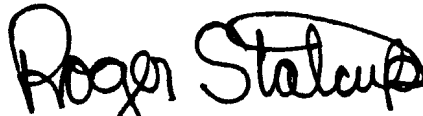
Decision:

The Committee found that when there is an intervening workday between when the notice is given and the prearranged overtime assignment, a violation does not occur if the notification is given outside of the employee's regular work hours, but when the employee is working.

The case is closed without adjustment.



DAVID J. BERGMAN, Chairman
Review Committee



ROGER W. STALCUP, Secretary
Review Committee

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REVIEW COMMITTEE**PG and E****IBEW**

PACIFIC GAS AND ELECTRIC COMPANY
245 MARKET STREET, ROOM 444
SAN FRANCISCO, CALIFORNIA 94106
(415) 781-4211, EXTENSION 1125

**CASE CLOSED
LOGGED AND FILED**

OCT 31 1983

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
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REVIEW COMMITTEE DECISION

- ☒ DECISION
☐ LETTER DECISION
☐ PRE-REVIEW REFERRAL

San Francisco Division Grievance No. 2-816-83-16
Review Committee File No. 1556-83-9

Grievance Issue

At issue in this case is the appropriate overtime rate of pay for employees who were assigned to work on Saturday, January 29, 1983.

Facts of the Case

On Friday, January 28, 1983, a meeting was called for all employees of the San Francisco Electric Overhead Department. The purpose of the meeting was to prearrange employees to work on Saturday. All employees were notified of the meeting by 4:15 p.m. Normal quitting time is 4:30 p.m.

Attempts to secure volunteers were unsuccessful so assignments to 15 employees to work were made in inverse seniority order prior to 4:30 p.m. The assignment of four more employees to work on Saturday occurred shortly after 4:30 p.m.

Decision

Subsection 208.12 of the Physical Agreement reads in part: "... For the purpose of this Section, prearranged work is deemed to be work for which advance notice has been given by the end of his preceding work period on a workday." (emphasis added). The Review Committee is in agreement that the four employees (Torriginio, Foote, Flores and Torrez) who were notified after 4:30 p.m. on Friday of the assignment to work on Saturday are entitled to be paid at the double time rate for all work performed and travel time on Saturday, January 29, 1983. Inasmuch as they have already been paid at time and one-half, they are entitled to an adjustment of one-half time pay for January 29, 1983.

This case is closed on the basis of the foregoing.

FOR COMPANY:

L. C. Beanland
F. C. Buchholz
J. B. Stoutamore
D. J. Bergman

By

Date

10-27-83

FOR UNION:

R. L. Choate
R. Friend
P. Nickeson
R. W. Stalcup

By

Date

10/27/83