

MEMORANDUM OF DISPOSITION

**Steam Generation Grievance No. CCP-92-4
Fact Finding Committee No. 5282-92-168
Pre-Review Committee File No. 1696**

**RECEIVED
OCT 29 1996
INDUSTRIAL RELATIONS**

SUBJECT:

The above referenced grievance was referred to the Review Committee as part of RC File No. 1765. The Review Committee established an Ad Hoc Committee to settle these cases at the Fact Finding level. The issue is the intent of contracting under Letter Agreement 88-104 as it applies to Steam Generation maintenance overhauls.

DISCUSSION:

The Fact Finding Committee consisting of Ken Ball, Sr. Business Representative and Carol Pound, Sr. Labor Relations Representative met on several occasions to discuss the facts of the RC 1765 cases. This case concerns the fact that Contra Costa Power Plant was below its 88-104 numbers in three departments while contracting was occurring in other plants within Steam Generation. There is no evidence that Contra Costa Power Plant had been contracting, or if they had, this was not an issue of the grievance. There are also no facts provided as to the type of contracting going on in other plants (e.g. whether it was overhaul - related or not).

DECISION:

The Committee agreed that, based on the age of the case, and the facts available, no violation of Letter Agreement 88-104 occurred in this case and agrees to settle it without adjustment. This case is closed without prejudice to the position of either party.

SIGNATURES:



Carol Pound, FOR COMPANY

Concur/Dissent 10-17-96
DATE



Ken Ball, FOR UNION

Concur/Dissent 10-23-96
DATE



REVIEW COMMITTEE

IBEW



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INTERNATIONAL BROTHERHOOD OF
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(510) 933-6060
R.W. STALCUP, SECRETARY

MARGARET A. SHORT, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

Steam Generation Grievance No. CCP-92-4
Pre-Review Committee File No. 1696
Steam Generation Grievance No. MLP-93-5
Pre-Review Committee File No. 1765
Steam Generation Grievance No. CON-94-19
Pre-Review Committee File No. 1767
Steam Generation Grievance No. CON-94-24
Pre-Review Committee File No. 1935
Steam Generation Grievance No. MBP-93-04
Fact Finding Committee No. 5472-93-110
Nuclear Power Generation Grievance No. NPG-603-94-035
Fact Finding Committee No. 5829-4-278

Carol Pound, Company Member
Fact Finding Committee

Ken Ball, Union Member
Fact Finding Committee

Subject of the Grievances:

The above referenced grievances were referred to Review Committee as Review Committee No. 1763, Review Committee No. 1764, and Review Committee No. 1765. The Committee has agreed to combine these cases into one document and return them to the Fact Finding Committee for settlement. The issue in each of these cases concerns the intent of Letter Agreement 88-104 as it applies to Steam Generation maintenance overhauls. During large scale planned overhauls, the plants have historically used a combination of bargaining unit employees working extended shifts, overtime, Title 300 employees, travelers from other plants and contractors in order to get the units back on line as soon as possible.

Discussion:

The Company argued that contractors have always been used to complete as much work as possible during the time the units are out of service, and to do work requiring specialized equipment or specialized services not available at the plants.

The Union contends that while the total size of the bargaining unit has been reduced, contractors have been performing bargaining unit work associated with routine maintenance, small scale outages and emergency work during forced outages.

The Committee agreed that bargaining unit work associated with planned maintenance overhauls has historically been contracted out. Further, the Company has the right to continue to contract out such work without violating the provisions of Letter Agreement 88 -104. However, the parties did not intend to preclude the Steam Generation Department from the provisions of 88-104 in it's entirety.

Specifically, bargaining unit work that is not directly related to the scope of the maintenance overhaul contract and is performed by contractors will be subject to the provisions of Letter Agreement 88-104.

For example, if the company issues a contract for repair to a steam turbine and during the overhaul sends the contract crew out to repair the boiler, the boiler repair work would be subject to the provisions of Section 207.2 of the contract.

The committee has agreed to return these cases to the Fact Finding Committee for settlement in accordance with the above. Further, if it is determined that bargaining unit work unrelated to maintenance overhauls was being contracted out while the number of employees was below the floor number, the committee shall determine the appropriate remedy based on previous grievance settlements.

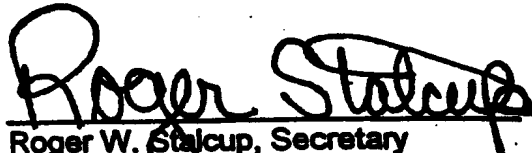
Decision:

The Pre-Review Committee retains jurisdiction of these cases if the Fact Finding Committee is unable to reach agreement on an appropriate remedy. These cases are closed on the basis of the above.


Margaret A. Short, Chairman
Review Committee

10-13-95

Date


Roger W. Stalcup, Secretary
Review Committee

10/13/95

Date