



REVIEW COMMITTEE



IBEW

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**CASE CLOSED
FILED & LOGGED**

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
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R.W. STALCUP, SECRETARY

MARGARET A. SHORT, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

Corporate Services Grievance No. 22-669-92-7
Pre-Review Case No. 1774

Corporate Services Grievance No. CTS-93-2
Corporate Services Grievance No. CTS-94-8
Fact Finding File No. 6406
Pre-Review Case No. 1791

Corporate Services Grievance No. CTS-94-9
Fact Finding File No. 5669
Pre-Review Case No. 1956

GINNY RAMSEY
Company Member
Local Investigating Committee

DEBRA MAZZANTI
Company Member
Local Investigating Committee

Subject of the Grievance:

These cases allege the performance of bargaining unit work by non-bargaining unit employees at the Fairfield Computer Center and the General Office. The work involves duties associated with JOBTRAC, a mainframe application used to schedule, start, stop and coordinate the production of various batch reports (Jobs); and TMS (Tape Management System), an application that records information as to the content, physical location of, and ownership of each tape used in JOBTRAC from the time it enters the system until the time it is purged from the system. The grievances also allege the duties of the HELP DESK were transferred to non-bargaining unit employees at the TSC (Technology Service Center) in General Office.

Facts of the Cases:

The first of these four grievances was filed in March 1992 (92-7) and alleged that duties which had been performed with JOBTRAC and TMS by Computer Operators was now being performed by Analysts, non-bargaining unit positions. The second grievance concerning the elimination of the HELP DESK was filed in 1993 (93-2). The TSC, which is staffed with non-bargaining unit employees was

ES 28 = Please note that Grievance No. CTS-93-2 has been referred to Labor/Mgmt. Comm. for settlement.

established in 1993. All computer related calls from clients (other employees) are funneled through the 3-9000 number in General Office. Those calls involved questions or requests for assistance on everything from personal workstation applications/problems to mainframe applications/problems.

The third grievance was filed in June 1994 (94-8). It alleged that the planned Title 19 activity, if carried out, would violate the Agreement as there was no lack of work. If the work in dispute (that work which is addressed in the 1992 and 1993 grievances) were returned to the unit there would be no need for bargaining unit reductions. The Correction Requested was to stop the planned displacements/layoffs. This correction was granted in March 1995 when the planned system-wide the lay-offs were rescinded.

The fourth and final grievance was filed in July 1994 (94-9) citing a continuation of the jurisdictional dispute.

Discussion:

JOBTRAC was initiated about 1989 and replaced a calendar system (TS620CU) which detailed when to start, stop, and/or what order to run reports/JOBS. The Computer Operators were responsible for executing these instructions, which were prepared by exempt employees, and monitor the operation of the computers and their output. With the advent of JOBTRAC most of these instructions were programmed into the mainframe thereby automating the running of JOBS/reports and substantially reducing, but not eliminating, the work previously performed by the Computer Operators.

The TMS has also evolved over time requiring less human intervention. Over the years the types of tapes have progressed from large reels to small CD size. With each smaller version capacity for storing information was increased. Computer Operator duties such as stacking or removing tapes from silos, labeling tapes, and filing tapes were needed less frequently as a result of the increased capabilities of the automated system.

The HELP DESK was first established at the San Francisco Computer Center and was transferred to Fairfield about 1992. Computer Operators screened the calls, assisted the client if they could, or referred the call to an exempt if they couldn't help the caller. Many of the calls were to "bounce" or recycle a terminal. Union opined that most were successfully resolved by the Computer Operator.

In March 1995, the planned lay-offs were rescinded. While the number of Computer Operators has decreased from approximately 22 in 1992 to 9 currently, Company maintained that the decrease can be attributed to attrition,

the VRI and VSI. Union opined that some part of the reduction in the Computer Operator classification was the result of the transference of work from bargaining unit Computer Operators to NBU Analyst.

These files contain several inches of logs which show by initials that thousands of entries into the JOBTRAC and TMS systems were executed by non-bargaining unit employees. The Union believes these logs demonstrate the performance of bargaining unit work in violation of the Agreement, and that many, if not most of these logs reflect the performance of production work. The Company believes the exhibits to be inconclusive as there is no explanation on the logs as to why a NBU Analyst enters the system, that there are appropriate reasons for non-bargaining unit employees to log onto the system such as an Analyst running a report for their own work, not a production report or an Analyst recycling/bouncing a terminal within their area of responsibility.

The Pre-Review Committee in an effort to become more familiar with the work at issue in this case visited the Fairfield Computer Center and met with the Director, a Supervisor who had been a Computer Operator and at that time was the Shop Steward involved in raising the issues in the first and second grievances. The Pre-Review Committee was informed that bargaining unit duties associated with JOBTRAC and TMS have been returned to Computer Operators, leaving still at issue the calls taken at the TSC.

There appears to be consensus that bargaining unit duties associated with JOBTRAC are, principally: starting, stopping, recycling/bouncing a terminal, and purging Jobs; and for TMS: entering, ejecting, labeling, pulling, initializing, manual cataloguing, and filing tapes. Other incidental functions performed in conjunction with production work of JOBTRAC and TMS are also appropriately performed by bargaining unit classifications.

With the proliferation of individual computer workstations and a multitude of software programs throughout the company, C&TS in an effort to better serve this new area established the TSC in San Francisco so that there would be a single number to call for computer assistance. Company contended that before the TSC, there were various help numbers to call resulting in wasted efforts to get to the right resource. Union opined that prior to TSC being established in San Francisco, all calls for assistance were received by a Computer Operator at the Fairfield Computer Center. Union opined most of those calls were resolved by the CO. In those instances where the CO lacked the expertise to resolve the issue, the call was forwarded from the CO to an Analyst for resolution. While the TSC is staffed with non-bargaining unit employees, Company claimed they have been trained to screen and route the calls to the proper resource. If the caller

request is clearly bargaining unit work, like asking a terminal to be "bounced", then the request is referred to a Computer Operator at Fairfield. The Director thought there were security mechanisms recently put in place which would prohibit an Analyst from entering the JOBTRAC system for clients. Bargaining unit employees disputed the claim that those calls which should be handled by a CO are being routed to the appropriate employee at Fairfield Computer Center. Union noted that a request to monitor the calls received by TSC Analyst in San Francisco was rejected.

DECISION:

The Pre-Review Committee is in agreement that bargaining unit work was being performed in violation of the contract and not within the meaning of Section 24.2(b) or (c) of the Clerical Agreement. The Committee was unable to agree as to whether or not there has been a violation of Section 24.2(a), that the performance of this work was for the purpose of reducing the number of employees. During the site visit, the Fairfield Computer Center Director stated that he believed most if not all work associated with JOBTRAC and TMS which Union claims to be bargaining unit work has recently been or soon will be returned to the Computer Operator classification and that Analyst or other NBU classifications will cease and desist from performing those functions which are appropriately the jurisdiction of bargaining unit classifications. The cease and desist and return the work to the bargaining unit portion of the Union's correction requested has been or soon will be granted.

The Pre-Review Committee has taken note of the fact that in each of the four grievances addressed in this Decision, the Union's correction requested included a demand to make whole those bargaining unit employees who were deprived of the opportunity to perform work which Union believed appropriately belonged to the bargaining unit. The first of these grievances was filed by the Union in March, 1992. Some four years following the initial protest of the work assignments at issue here, Company began returning the disputed work to bargaining unit classification. During this four year period, NBU's executed many thousands of entries into the JOBTRAC and TMS system, a considerable number of which were documented in the evidence examined by the Pre-Review Committee. In light of these facts, and noting the considerable period of time the dispute has been ongoing in the grievance procedure, the Pre-Review Committee agrees to close this case with an equity adjustment, without prejudice to the position of either party, of 100 hours pay to each current Computer Operator at the Fairfield Computer Center, paid at time-and-one-half their rate of current pay.

The issues related to the HELP DESK are referred to the C&TS L/A 94-53 Committee for discussion and resolution. If that committee is unable to reach agreement, the case will be returned to the Pre-Review Committee.

On the basis of the above, this case is closed and such closure should be so noted by the Local Investigating Committee.

Margaret A. Short
Margaret A. Short, Chairman
Review Committee

2/4/97
Date

Roger Stalcup
Roger W. Stalcup, Secretary
Review Committee

2/4/97
Date