



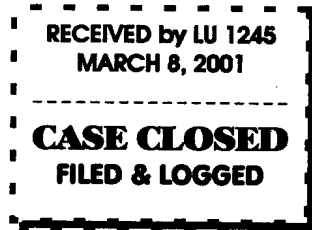
## REVIEW COMMITTEE



PACIFIC GAS AND ELECTRIC COMPANY  
2850 SHADELANDS DRIVE, SUITE 100  
WALNUT CREEK, CALIFORNIA 94598  
(925) 974-4282

MARGARET A. SHORT, CHAIRMAN

DECISION  
LETTER DECISION  
PRE-REVIEW REFERRAL



INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS, AFL-CIO  
LOCAL UNION 1245, I.B.E.W.  
P.O. BOX 4790  
WALNUT CREEK, CALIFORNIA 94596  
(925) 933-6060  
BOB CHOATE, SECRETARY

**Pre-Review Committee No. 10438  
BAK-99-52**

Jeff Neeley  
Company Member  
Local Investigating Committee

Mike Grill  
Union Member  
Local Investigating Committee

### Subject of the Grievance

This case concerns the overtime rate of pay for a work assignment outside of regular work hours.

### Facts of the Case

The grievant is a Lineman who worked his regular 7:00 a.m. to 3:30 p.m. shift and continued on an extension of the workday until released at approximately 12:45 a.m. which qualified him for a rest period. The grievant had previously been prearranged to report for an overtime assignment at 2:45 a.m. which he did. He continued working on this assignment until 7:45 a.m. when he was released during his regular work hours for a rest period.

The grievant was paid time and one-half from 2:45 a.m. until 7:45 a.m. At the Local Investigating Committee meeting, Company agreed that the grievant should have been paid double time from 7:00 a.m. until his release at 7:45 a.m.

### Discussion

This case presents an interesting set of facts. The issue before the Pre-Review Committee is whether the grievant should have been paid double time from 2:45 a.m. until 7:00 a.m. A review of Section 208.2 of the Agreement does not support such a conclusion. However, it is clear from the language of Section 208.11(f) that if an employee who has qualified for a rest period is required to work during regular hours, the employee shall be paid at the double time rate. This is true even if the employee is released from the overtime assignment but returns to work without having had eight hours off. The double time rate during regular work hours is a penalty payment, a disincentive for continuing to work employees entitled to a rest period.

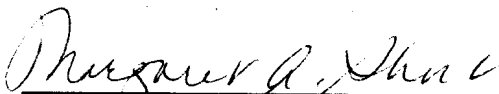
Given the number of hours that were worked by the grievant, perhaps there should have been some review of whether the employee could safely perform the prearranged work or if the work should have been assigned to another employee. Had another employee been assigned, in all likelihood that would have resulted in a call-out and the double time rate of pay.

Finally, the PRC reviewed Review Committee Decision 1575 which rendered a decision based on the equities of the situation in the absence of clearly definitive language.

Decision

Consistent with the spirit and intent of Section 208.11, the PRC agrees that the grievant should be paid at the double time rate for the work performed between 2:45 a.m. and 7:45 a.m. on September 30, 1999. He shall be paid ½ time for those hours at the 1999 rate of pay.

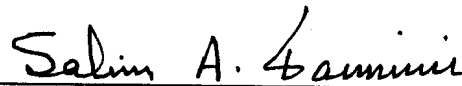
This case is closed on the basis of the foregoing.



Margaret A. Short, Chairman  
Review Committee

3/8/01

Date



Sam Tamimi, Secretary  
Review Committee

March-8-2001

Date