



REVIEW COMMITTEE

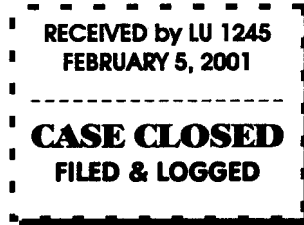
IBEW



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. 11650

Robin Wix
Company Member
Local Investigating Committee

Arlene Edwards
Union Member
Local Investigating Committee

Subject of the Grievance

Union alleges the grievant and other employees are being forced to use unanticipated vacation for Family Medical Leave Act (FMLA) purposes and that this was not the intent when Section 8.15, Unanticipated Vacation, was negotiated.

Facts of the Case

The grievant is a Service Rep at the Sacramento Call Center. The Local Investigating Committee determined that through May 11, 2000 the grievant had used 19 hours of Unanticipated Vacation of which FMLA time was charged on two occasions as follows: 5 hours on 2/9/00 and 2 hours on 3/19/00. There is no detail as to the reason for the time off.

Testimony at the LIC confirmed that when employees call-in to report an absence, they are asked how they want their time-off coded. If the employee asks for vacation, has it available, and operationally it can be granted; it is.

Discussion

The PRC noted that the Family Medical Leave Act provides for employees to have up to 12 weeks off work in a rolling 12 month period to care for the serious health condition of themselves or other eligible family members. Such time off may be consecutive or intermittent. The serious health condition must be verified through the completion of appropriate forms by a medical professional. The Act allows that such time off may be paid or unpaid.

Based on the information in the file, the PRC cannot tell whether the time off granted the grievant even qualified under FMLA. It is clear, however, that the grievant requested vacation and it was granted. If the vacation to be taken is in other than half or full day increments, then it must be charged to unanticipated vacation, Section 8.15. On the other hand, the employee could opt to take more vacation hours (half or full day) for a qualifying self/family serious health condition, Section 8.12.

The PRC noted that the 1999 general negotiations resulted in an increase in the number of hours of unanticipated vacation available to full-time employees from 16 hours per year to 24 hours per year. This proposal by the Union was to provide more flexibility to employees. It should be pointed out that the Unanticipated Vacation hours are not additional to an employee's total vacation entitlement and therefore would be utilized, deferred, or paid consistent with the labor agreement.

Decision

The PRC could not find that there had been a contractual violation. The LIC may reconvene to determine if the grievant would prefer to have his time for the above dates recorded differently if there are still alternatives available.

The PRC retains jurisdiction of this grievance should there be a dispute that the LIC is unable to resolve.

Margaret A. Short

Margaret A. Short, Chairman
Review Committee

2/2/01

Date

Sam A. Tamimi

Sam Tamimi, Secretary
Review Committee

Feb-2-2001

Date