



REVIEW COMMITTEE



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LABOR RELATIONS DEPARTMENT
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INTERNATIONAL BROTHERHOOD OF
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ROBIN WIX, CHAIRMAN
 DECISION
 LETTER DECISION
 PRE-REVIEW REFERRAL

F.E. (ED) DWYER Jr, SECRETARY

Pre-Review Committee Number 22321 Electric Operations – Maintenance & Construction – Templeton

Yvonne Bradley
Company Member
Local Investigating Committee

Patrick Duffy
Union Member
Local Investigating Committee

Subject of the Grievance

This case concerns an alleged Title 212 bypass for an emergency call-out at a neighboring headquarters.

Facts of the Case

On October 23, 2013, a Templeton crew was working an overtime extension of their regularly assigned workday. The crew had finished their current job and was at a restaurant eating their earned overtime meal before returning to the headquarters.

At approximately 5:30 pm a three-man crew was needed for an outage in Cambria, which is in the San Luis Obispo headquarters territory. There were no employees properly signed on the San Luis Obispo 212 list in accordance with 212 sign-up procedures. The on-call supervisor contacted the Templeton crew foreman at approximately 5:39 pm to check on the crew's availability to respond to the Cambria outage. The crew foreman stated they were finishing up their meal and could respond.

The crew finished their meal and returned to the Templeton yard, approximately 5 minutes from the restaurant, to gather the materials needed for the job. Three of the five members of the crew then continued on to the Cambria jobsite which was approximately 28 miles from the Templeton yard. The crew arrived at the jobsite at 7:45 pm.

Discussion

The Committee first reviewed PRC 1481 which states that the 212 procedure should be utilized when a crew from a neighboring headquarters is to be utilized for emergency call-outs if they must first report to their own headquarters before reporting to the assigned job. In this case, the crew did report to their headquarters prior to reporting to the Cambria jobsite requiring that the 212 procedure be followed. The 212 procedure provides for assigning the work to employees in the field if the speed with which that crew could respond is faster than calling off the 212 list.

The Union argued that the crew took approximately 2 hours to arrive at the jobsite which reduces the Company's argument that it was more practical to send the extension of workday crew than it would have been to call out a crew from the Templeton 212 list.

The Company argued that the supervisor properly assessed the situation and determined that using the crew at the restaurant, which according the Crew Foreman, was finishing their meal and were 5 minutes from the Templeton yard, would be able to respond more quickly than a crew could be assembled and respond from the 212 list. Based on the information provided by the crew foreman in regards to the crew's availability to respond, the supervisor made the job assignment with practicality in mind.

Decision

Nothing in the LIC report indicates that assembling a crew from the 212 list would have been quicker and therefore more practical than assigning the job to the crew in the field based on the information the supervisor had at the time the job was assigned. The LIC report does not clearly identify how long it took for the crew to leave the restaurant and return to the yard or any information regarding the typical response time in assembling a crew off the 212 list.

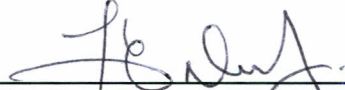
The Committee is remanding this case back to the Local Investigating Committee to gather more facts. If the Local Investigating Committee determines it would have been more practical to assemble a crew from the 212 list, bypass should be paid, and if not, the case should be closed without adjustment. If agreement cannot be reached, then the case will be returned to the Pre-Review Committee with the additional relevant facts gathered.



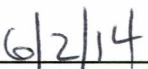
Robin Wix, Chairman
Review Committee



Date



F.E. (Ed) Dwyer Jr, Secretary
Review Committee



Date