

REVIEW COMMITTEE

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CASE CLOSED JUN 1 0 1981
LOGGED AND FILED

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R.W. STALCUP, SECRETARY

RECEIVED JUN 1 0 1981

D.J. BERGMAN, CHAIRMAN

REVIEW COMMITTEE DECISION

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

Coast Valleys Division Grievance No. 18-305-79-2/3
Review Committee File No. 1513-80-39

Subject of the Grievance

The issues in this case, which were thought to be resolved in Fact Finding Decision No. 1192-79-133, were two-fold: The one issue was whether or not the Gas Servicemen working the 2:00 p.m. to 10:00 p.m. shift were required to take their service trucks home. That issue was resolved on the basis that it was optional on the part of the Servicemen as to whether they take the trucks home or not. The second issue in this case was whether or not the 2:00 p.m. to 10:00 p.m. Serviceman was, in fact, required to be available for emergency call-out duty. Based on the evidence presented at that time, the Fact Finding Committee resolved the second issue in this case on the basis that the current procedure for Serviceman call-out in Monterey had been in effect for approximately 20 years and that the 2:00 p.m. to 10:00 p.m. Serviceman was required to make himself available for emergency call-out duties.

Following the discussion and decision contained in Fact Finding No. 1192, additional evidence was presented with respect to the question of whether or not the Serviceman in the past had merely volunteered to respond when called for emergency work with no particular obligation to be available. The Fact Finding Committee met once again on this new evidence in order to reach a conclusion of the grievance. Since it was unable to do so, this particular issue was referred to the Review Committee.

The Review Committee, after reviewing all the evidence in this case, agreed that even though it has been an established procedure to use the Serviceman who worked the 2:00 p.m. to 10:00 p.m. shift for emergency call-out for approximately 20 years, this arrangement has apparently been a recent source of some confusion to all parties. In reviewing the evidence, the Committee agreed that some Servicemen in the past had removed themselves from the 2:00 p.m. to 10:00 p.m. shift or from related emergency call-out responsibilities. The supervisors, in this case, have testified that the substitution of one Serviceman for another is the preferred means of removing oneself from emergency call-out responsibilities. However, it is just as apparent that, in the past, the Servicemen have infrequently removed themselves for varying periods of time on the 2:00 p.m. to 10:00 p.m. shift by notifying the Substation Operator that they would be unavailable. This practice, however, seems to involve periods of an hour or more and, in past cases, not for the entire shift.

After a careful review of the facts in this case and much discussion, the Review Committee concluded that the record contained conflicting statements relating to

the question of what the practice has been where employees removed themselves from emergency call-out responsibilities. Specifically, the Committee was unable to determine whether the Serviceman who did not wish to be available for emergency call-out responsibilities while on the 2-10 shift removed himself only by notifying the Substation Operator (as the Servicemen contended) or if the removal was the result of the Serviceman locating another individual to take emergency call-out responsibilities in his place and notified the supervisor of this substitution (as the supervisor contended). Inasmuch as the Review Committee was unable to answer this question based upon the record before it, the case was returned to the Local Investigating Committee with instruction to further define an agreed-to call-out procedure and resolve this case. If unable to agree, however, the Local Investigating Committee was to return the case to the Review Committee which would, then, develop an appropriate call-out procedure for the District.

After further deliberation by the Local Investigating Committee, the case was returned to the Review Committee. Upon examination of the record forwarded to this Committee, it is apparent that the parties at the local level are unable to agree as to the practice which is and has been in effect at the headquarters over a considerable period of time. In recognition of the fact that a procedure has been in effect and has been mutually agreeable to all concerned for some years, this Committee is reluctant to develop a new and/or different call-out procedure for the District that may potentially be less acceptable to both supervision and Servicemen than that which existed prior to this grievance. However, inasmuch as no agreement can be reached at a local level, as was contemplated by Company and Union when Section 212.10 was added to the Agreement, and again when this Committee returned this case to the Local Investigating Committee, this Committee now must establish an emergency call-out procedure for the District. The procedure described below applies only to the Servicemen in the Monterey District.

Decision

Based on the above, this Committee concludes that the practice of the Serviceman who works the 2:00 p.m. to 10:00 p.m. shift being the first person called for emergency duty and having the primary responsibility for response is well-established. This practice shall remain in effect unless specifically changed by written agreement between the Division Personnel Manager and the appropriate Business Representative, as provided for in Section 212.10 of the Agreement.

If the Serviceman working the 2:00 p.m. to 10:00 p.m. shift wishes to be relieved of emergency call-out duty responsibilities for periods greater than 4 hours, he must first attempt to find a replacement. If he is unable to find a replacement, he shall contact the Gas Dispatcher or Substation Operator who will in turn contact the Gas Supervisor-on-Call. The on-call supervisor will arrange for a replacement. Once a replacement is found, then the 2-10 Serviceman is relieved of his emergency call-out duty responsibilities.

If, as in the past, the Serviceman on the 2-10 shift desires to relieve himself of call-out responsibilities for periods no longer than four hours on non-work days, outside of regular work hours or on holidays when the employee is not regularly scheduled to work, such as Thanksgiving dinner, Christmas day dinner and other instances such as those noted in this case, then the Serviceman may request the Substation Operator to temporarily hold tags. This, however, does not remove the on-call Serviceman's obligation to respond to emergency call-out duty.

FOR THE COMPANY:

- L. C. Beanland
- F. C. Buchholz
- J. B. Stoutamore
- D. J. Bergman

By

D. J. Bergman

Date

6-1-81

FOR THE UNION:

- P. Pelucca
- G. W. Abrahamson
- W. H. Burr
- R. W. Stalcup

By

Roger Stalcup

Date

6-1-81

RWS:rlm