

REVIEW COMMITTEE

1605-84-40
208.12 (P)
212.1 (P)



PACIFIC GAS AND ELECTRIC COMPANY
245 MARKET STREET, ROOM 444
SAN FRANCISCO, CALIFORNIA 94106
(415) 781-4211, EXTENSION 1125

CASE CLOSED
LOGGED AND FILED
FEB 1985

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W.
P.O. BOX 4790
WALNUT CREEK, CALIFORNIA 94596
(415) 933-6060
R.W. STALCUP, SECRETARY

D.J. BERGMAN, CHAIRMAN

RECEIVED JAN 18 1985

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

San Francisco Division Grievance Nos. 2-805-83-5,
2-817-83-17, 2-818-83-18 and 2-824-83-24
P-RC Nos. 850, 871, 872 and 873

[RC 1605-84-40]

January 18, 1985

MR. K. H. ANDERSON, Company Member
San Francisco Division
Local Investigating Committee

MR. ED CARUSO, Union Member
San Francisco Division
Local Investigating Committee

The above-subject grievances have been discussed by the Pre-Review Committee prior to their docketing on the agenda of the Review Committee and are being returned, pursuant to Step Five A(ii) of the grievance procedure, to the Local Investigating Committee for settlement in accordance with the following:

These four grievances all involve the issue of whether or not it was impractical to utilize certain employees for emergency overtime versus utilizing employees from the Title 212 call-out list. The Pre-Review Committee has discussed these cases on numerous occasions and has spent a considerable amount of time attempting to reconstruct the events that occurred in January and early February of 1983. On several occasions, additional information was requested of the Local Investigating Committee regarding the facts of these cases; notwithstanding considerable effort and time on the part of the Local Investigating Committee, the records were inclusive. However, after wrestling with the issues involved for a considerable period of time, the parties are still unable to determine specifically what had occurred with the employees and assignments in question. The dates surrounding the period of time in question was one where there were considerable heavy thunderstorms and heavy rainfall, as well as strong winds. There was considerable emergency overtime work being performed during these periods of time which contributed to the Committee's inability to ascertain the specific details of the incidents. Since the Committee was unable to determine what exactly happened, an equity settlement of these cases has been agreed upon.

P-RC 850

The grievance involved the No. 1 and No. 2 Lineman from the Title 212 list. The Committee determined that the No. 1 Lineman was already working on an extension of the workday assignment and would not have been available for this assignment. The Committee also determined that it took the crew that did work the job from approximately 9:30 p.m. until 10:55 p.m. to complete the work

January 18, 1985

necessary that evening. It is, therefore, the Committee's determination that, if the employee had been called and had worked, it would have been for no more than two hours and, inasmuch as Section 208.8 provides for a two-hour minimum payment for emergency callout, the Committee agrees that the No. 2 Lineman on the 212 sign-up list shall be paid an equity settlement of one hour overtime for January 4, 1983.

P-RC 871

The Committee determined that the period in question when a crew would have been called from the Title 212 list from home is from 5:02 p.m. until 11:40 p.m. on January 27, 1983. The Committee also agrees that there were two employees who had the potential to work that evening, those being the No. 1 Line Subforeman and the No. 1 Lineman signed on the Title 212 list. The Committee agrees to an equity settlement in this case for the No. 1 Line Subforeman and the No. 1 Lineman signed on the Title 212 list of three hours and 15 minutes at the double-time rate.

P-RC 872

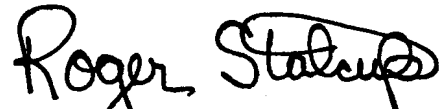
This case involved emergency work also on January 27 and January 28, 1983 when a line crew from East Bay Division was working on a continuation of the workday in San Francisco Division. In this case, the Union believed that San Francisco Division employees should have been utilized from the Title 212 list, and the East Bay crew should have been sent home. The employees with potential entitlement in this case was the No. 5 Lineman signed on the Title 212 list and the No. 2 Line Subforeman also on the Title 212 list. The period of time in question on January 27, 1983 is from 5:20 p.m. until 4:45 a.m. on January 28, 1983, approximately 11 hours. The Committee agrees, therefore, to pay each of the above-named employees five and one-half hours at the double-time rate as an equity settlement.

P-RC 873

This grievance involved an extension of the workday crew who changed out a transformer. Again, the Union grieved believing that the extension of the workday crew should have been sent home, and employees should have been called from the Title 212 list. The Committee determined that the period in question was from 10:40 p.m. on February 8, 1983 until 4:20 a.m. on February 9, 1983, approximately six hours. The Committee also determined that the two grievants, a Line Subforeman and Lineman were both signed on the Title 212 list. The Committee agrees to pay the Line Subforeman and the Lineman three hours at the double-time rate as an equity settlement.

It should again be stressed that these decisions were based upon the fact that the Pre-Review Committee was unable to accurately determine the facts of the cases, inasmuch as the records surrounding the period in question are inconclusive (due to extreme storm conditions) making a proper reconstruction impossible. These cases are being settled on an equity basis without prejudice to the position of either party and notwithstanding the position of either party in future grievances of this nature.


D. J. BERGMAN, Chairman
Review Committee


R. W. STALCUP, Secretary
Review Committee