

REVIEW COMMITTEE**PG and E****IBEW** 

PACIFIC GAS AND ELECTRIC COMPANY
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CASE CLOSED
LOGGED AND FILED

FEB 20 1985

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W.
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WALNUT CREEK, CALIFORNIA 94596
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R.W. STALCUP, SECRETARY

D.J. BERGMAN, CHAIRMAN

- ☐ DECISION
☐ LETTER DECISION
☐ PRE-REVIEW REFERRAL

RECEIVED FEB 27 1985

General Construction Grievance No. 3-1320-84-52
Review Committee File No. 1608-85-1

Subject of the Grievance

This case concerns the issuance of a letter dated May 29, 1984, which addresses employee eligibility for per diem payments.

Facts of the Case

Prior to January 1, 1984, Subsection 301.3(a) of the Physical Agreement read:

"301.3 RESIDENCE DEFINITION

An employee's Residence and Residence Area shall be determined and used to establish eligibility for expense allowances in accordance with the following:

"(a) An employee's Residence is defined as the principal place of abode in the Company system in which the employee normally resides; and, if the employee has temporary living accommodations at assigned job locations or commutes to such locations, continues to maintain this abode as a permanent home location. An employee establishes a Residence by filing a Residence Certificate." (emphasis added)

Effective January 1, 1984, Subsection 301.3(a) was amended to read:

"301.3 RESIDENCE DEFINITION

An employee's Residence and Residence Area shall be determined and used to establish eligibility for expense allowances in accordance with the following:

"(a) An employee's Residence is defined as the principal place of abode in the Company system in which the employee normally resides (1) on a regular basis and from which the employee commutes daily or weekly to work locations, or (2) one which the employee has a financial responsibility to maintain and to which the employee returns to live on most weekends while on work assignments at more distant job locations. An employee

establishes a Residence by filing a Residence Certificate." (emphasis added)

The May 29, 1984 letter reads in part:

"Heretofore, if an employee resided outside the Company's service area, we allowed him to establish his per diem "Residence" at the qualified city or town in the Company's service area nearest the employee's actual residence. This practice has become somewhat involved since the "Residence" definition was changed (e.g., necessary verifications that the employee actually returns home on a regular basis, substantiation of financial responsibility, etc.).

"Therefore, for any employee hired after May 31, 1984, a strict reading of the definition will be applied; that is, such employee must establish a "Residence" in the Company system. If such employee cannot justify a "Residence" for himself in the Company system, his "Residence" for per diem purposes will be deemed to be the qualified city or town at which, or nearest which, his job headquarters is located. When such an employee is transferred, his "Residence" travels with him to his new job headquarters.

"Any employee who was hired prior to June 1, 1984 and who has established a "Residence" based on an out-of-service area place of abode will be allowed to continue to claim such "Residence" until such time as he can no longer prove he meets the other requirements of the "Residence" definition, in which case his "Residence" will be determined by the provisions of the preceding paragraph."

Discussion

The changes in Subsection 301.3(a) were negotiated during 1983. As a result of these changes, employees must now demonstrate financial responsibility for, and evidence of regular visitation to, the designated principal place of abode. An example cited during bargaining of the employee groups to be affected were people hired by the Company who gave their parents' address as their principal place of abode (Residence), when in fact, the employees had no financial obligation to its maintenance, nor did they return to that Residence on a frequent or regular basis. (One of the purposes of per diem expenses is to partially offset the cost of maintaining both permanent and temporary residences.)

As acknowledged in the May 29, 1984 letter, for many years employees whose principal place of abode was outside the Company service area were allowed to establish a "Residence" for per diem purposes inside the service area "at the qualified city or town in the Company's service area nearest the employee's actual residence." There was no discussion during bargaining of changing this practice. The Union also pointed out that by strictly interpreting the language of 301.3(a), employees who live inside the State but outside of the service area (for instance in such locations as Visalia or communities east of Highway 99 in the San Joaquin Valley), would be ineligible for per diem payments.

It was noted that P-RC 969 upholds the requirement of going home most weekends to be eligible for per diem, even for those employees who live out of the service area, unless the employee's work assignments made such visitations unreasonable.

Decision

Considering all of the foregoing, the Review Committee agrees that the letter dated May 29, 1984 will be rescinded, and the practices in effect prior to June 1, 1984 shall be reestablished. Any current employee who was adversely affected by the implementation of the letter's provision shall be made whole. Any liability shall be determined by the Joint Grievance Committee. The Review Committee shall retain jurisdiction should a dispute arise.

This case is closed.

FOR COMPANY:

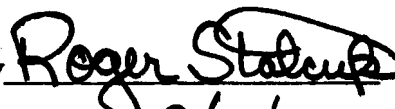
M. E. Bennett
F. C. Buchholz
R. C. Taylor
D. J. Bergman

By 

Date 2-27-85

FOR UNION:

P. Nickeson
F. Pedersen
A. Watson
R. W. Stalcup

By 

Date 2/27/85