

110.9 -Dispute over who & how  
Steam Generation empls  
get to be a member of the  
Fire Brigade.



## REVIEW COMMITTEE

**IBEW**



JAN 14 1993

PACIFIC GAS AND ELECTRIC COMPANY  
201 MISSION STREET, 1513A  
SAN FRANCISCO, CALIFORNIA 94105  
(415) 973-1125

**CASE CLOSED  
LOGGED AND FILED**

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

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

**RECEIVED JAN - 8 1993**

### REVIEW COMMITTEE DECISION

**Diablo Canyon Power Plant Grievance No. 22NPG-92-7  
Steam Generation Grievance No. PPP-91-6  
Review Committee Case No. 1747-92-18**

Subject of the Grievance:

This case questions whether the parties intended to limit Fire Brigade members to volunteers when negotiating Subsections 110.9(b) and (c) of the Physical Agreement in 1990.

Facts of the Case:

Effective 1/1/91, the Parties added Subsections 110.9(b) and (c) to the Agreement. Those Subsections state:

"110.9(b): In the event there are more volunteers than needed, the individuals with the most seniority in the affected classifications shall be offered such assignments."

"110.9(c): In the event there are not a sufficient number of volunteers, the individuals with the least amount of seniority in the affected classifications shall be assigned such duty contingent upon meeting the applicable qualifications."

The Local Investigating Committee reports stated that 1) the Company has the exclusive right to select the classifications to be affected by Fire Brigade membership; 2) the Company has the exclusive right to select the total number of employees needed to staff a Fire Brigade; and 3) that the Company has historically manned the Fire Brigade in the following manner:

Primary Fire Brigade: comprised exclusively of Operations Department employees, is responsible for the fire suppression and protection of the Plant 24 hours a day. Operations employees are the only group who are routinely present at the Plant 24 hours a day;

Secondary or Assistant Fire Brigade: comprised exclusively of Maintenance Department employees, is responsible for support fire suppression and protection functions during the regular day shift. Maintenance employees do not work 24 hour shift assignments.

Company contended that prior to 1991, Diablo Canyon and Pittsburg Power Plants required all Operations employees, except Control Operators that normally work in the Control Room, to become Fire Brigade members. Maintenance employees were allowed to volunteer for the Secondary or Assistant Fire Brigade and were selected based on need and their seniority. Company's decision to force all Operations employees to participate in the Primary Fire Brigade was based on operating needs, including the number and size of units and the need to provide 24 hour coverage.

Shortly after this language became effective, an Operations Department employee at each plant objected to being required to attend Fire Brigade training, citing Subsections 110.9(b) and (c)'s reference to "volunteers."

Discussion:

The Union argued that the reference to volunteers precluded the Company from forcing all Operations employees to participate on the Fire Brigade. The Union also noted that some Steam Generation Plants were not requiring full participation of operators on the Fire Brigade. Union argued that requiring all Operations Department employees, except Control Operators, and a limited number of Maintenance Department employees to participate in Fire Brigade training was inconsistent with the intent of the language in Subsections 110.9(b) and (c).

The Company maintained its position that the plants had historically had all Operations employees participate on the Fire Brigade due to operating needs. While some Steam Generation Plants do not now require all Operators to participate on the Fire Brigade, Pittsburg Power Plant has seven active units and three active control rooms, operationally necessitating that all operators participate on the Fire Brigade.

The Company opined that the Company and Union never discussed eliminating the historical practice of a Primary and Secondary/Assistant Fire Brigade during General Negotiations. Company believed that Subsection 110.9(b) was added to establish a standardized procedure for selecting Fire Brigade members when there were more volunteers than available positions. Subsection 110.9(c) was similarly added to address the problem of insufficient volunteers in a classification. Neither subsection was intended to limit Company's historical practice.

The Committee noted that the Company submitted a proposed letter agreement to amend Subsections 110.9(b) and (c) and establish a separate staffing procedure for the Secondary Brigade in September 1991, based on their understanding that the Union objected to the continuing practice of a Primary and Secondary Fire Brigade. The Union rejected this proposal due to the language added in Subsections 110.9(b) and (c) and their intent to eliminate the Primary and Secondary/Assistant Fire Brigade during General Negotiations.

Decision:

While the Company and Union could not reach agreement on the parties' intent during General Negotiations, the spokesmen agreed that the Company retained the right to determine the number of employees at the Plant that will be required to participate in Fire Brigade activities and that Company is allowed to determine which Plant classifications that number of employees would come from.

For example, if Company sets a number of employees that is equivalent to all Operating Department employees except Control Operators and determines that only Operating Department classifications will participate in fire brigade activities, then all Operating Department employees must participate. Under such conditions, the provisions of Subsections 110.9(b) and (c) would not come into play. However, if Company set this same number of employees but determined that this number will come from employees in both Operating and Maintenance Departments, then Subsections (b) and (c) would come into play. Were this the case, Company would first request volunteers from the affected Operating and Maintenance classifications. In the event the number of volunteers exceeded the number of employees needed, the assignment would be offered to the most senior volunteers, in which case one would expect to see a mix of participants from both Operating and Maintenance classifications. Conversely, if the number of volunteers was insufficient to meet the number established by Company as required, then the least senior employees from the Operating and Maintenance classifications identified would then be assigned. Again, one would expect to then see a mixture of Operating and Maintenance classifications. Where Subsections (b) and (c) come into play, however, one would not expect to see 100% participation by Operating Department classifications and a small percent participation by Maintenance Department classifications. Seniority generally would not work out this way.

Primary and Secondary Fire Brigades existed prior to the establishment of this Section of the Agreement. The new Section does not differentiate between Primary and Secondary Brigades and established a premium pay rate for those who participate. It also established a procedure for identifying participants in those instances where the number of volunteers in the affected classifications exceeds the number determined necessary by Company, or a procedure for identifying non-volunteer participants when there are insufficient volunteers.

This case is closed on the basis of the above and should be so noted by the Local Investigating Committees.

FOR COMPANY:

FOR UNION:

William J. Eddy  
Ken Nata  
Lawrence F. Womack  
David J. Bergman

Pat Nickeson  
Fred H. Pedersen  
Arlis L. Watson  
Roger W. Stalcup

By *David J. Bergman*

By *Roger Stalcup*

Date 12-17-92

Date 12/17/92

