



REVIEW COMMITTEE

RECEIVED MAR 23 1995

IBEW



PACIFIC GAS AND ELECTRIC COMPANY
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CASE CLOSED
FILED & LOGGED
MAR 24 1995

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W
P.O. BOX 4790
WALNUT CREEK, CALIFORNIA 94596
(510) 933-6060
R.W. STALCUP, SECRETARY

RICK R. DOERING, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

REVIEW COMMITTEE DECISION

Review Committee File No. 1777
North Valley Division Grievance No. CHI-93-17-300

Grievance Issue: Union alleges that the Company is in violation of Sections 306.9 and 306.14 by contracting work instead of rehiring laid-off workers.

Facts of the Case:

In April of 1993, Hydro Construction was assigned five jobs on various section of the Butte Canal. Hydro Construction stated that the department did not have sufficient manpower necessary to complete the job and contracted with Bay Western Industrial Maintenance, Inc.

The work performed by Bay Western began on September 13, 1993, and lasted through mid-December.

In December of 1992, a number of Hydro Construction employees were laid-off for lack of work and had 306.14 rehire rights back into Hydro Construction. It was determined in a previous case that use of Bay Western violated the "Joint Employer" provision of Review Committee File No. 1637.

Discussion:

The Union argued that since the contracted work is usually performed by Hydro Construction the Company does not have a lack of work and employees in the 306.14 pool should be rehired.

The Company argued that the case was settled by another grievance and the Review Committee No. 1637 remedy is the only entitlement. The Company further argued that there is no contractual language which requires the Company to rehire employees before it may contract out work.

Disposition:

Company agreed to pay eight employees who had rehire rights, at the Utility Worker classification from September 13, 1993, through mid-December when the Bay Western Industrial Maintenance, Inc. completed the work. Those eight employees (list attached) are also currently covered under the settlement of Review Committee File No. 1699 for extended rehire rights.

This case is closed without further adjustment.

Shan Bhattacharya
Bill Blastic
Bill McLoughlin

William Bouzek
James Lynn
Sherrick Slattery


John A. Moffat, Chairman
Review Committee


Roger W. Stalcup, Secretary
Review Committee

3/23/95
Date

3/23/95
Date