



## REVIEW COMMITTEE



PACIFIC GAS AND ELECTRIC COMPANY  
LABOR RELATIONS DEPARTMENT  
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CASE CLOSED  
FILED & LOGGED

INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS, AFL-CIO  
LOCAL UNION 1245, I.B.E.W.  
P.O. BOX 2547  
VACAVILLE, CALIFORNIA 94696  
(707) 452-2700

JOHN MOFFAT, CHAIRMAN

BOB CHOATE, SECRETARY

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

### Review Committee No. 17767 Energy Delivery – Electric T&D – Colma

Durla Kelleher  
Company Member  
Local investigating Committee

Landis Marttila  
Union Member  
Local Investigating Committee

#### Grievance Issue:

The grievance concerns the appropriate amount of bypass pay provided to a Grievant in a previously settled grievance.

#### Facts of the Case:

The Company and Union settled grievance No. 17386. In this case the Company hired a Hiring Hall Troubleman and bypassed the senior qualified bidder. The Company agreed that there was a bypass and paid the Grievant upgrade pay for the period of time the hiring hall employee was employed in the headquarters. The Hiring Hall Troubleman worked from February 20, 2007 to July 2, 2007. This case was settled on June 12, 2007. On August 30, 2007 the Union filed this grievance claiming the bypass pay was incorrect.

The Grievant was paid for all hours he worked at the Troubleman rate of pay.

#### Discussion:

The parties agreed that the claim including the benefit factor used to compensate the hiring hall employee should not be a consideration.

The Company raised the question of timeliness of this case since the grievance was not filed until well beyond 30 days of the last day worked by the hiring hall Troubleman. The Company further argued that there is no history on bypass settlements presented by the Union where the payment they are requesting has ever been made by the Company.

Union argued there were overtime opportunities that the Grievant lost out on and therefore was under compensated for the bypass.

There is no indication from the facts of the case if the Grievant had made himself available to work overtime, whether he turn down hours or was on vacation or off sick during the time in question.

Decision:


The Company in this case followed the normal practice of paying bypass. It is unfortunate that the Company brought in a Hiring Hall employee without upgrading the employee in the headquarters but that was remedied in the first grievance.

The question of timeliness should have been addressed earlier in the process.

The parties are in agreement that this case is closed without adjustment based on the fact that the Company followed the normal process for the payment of bypass.


**For the Company:**

John Moffat  
Gayle Hamilton  
Dave Morris  
Malia Wolf

By:   
Date: 3/31/09

**For the Union:**

Bob Choate  
William R. Bouzek  
Louis Mennel  
Russ Rylee  
Karen Russel

By:   
Date: 3/31/09