



REVIEW COMMITTEE

IBEW



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INTERNATIONAL BROTHERHOOD OF
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DOUG VEADER, CHAIRMAN

F. E. (ED) DWYER Jr, SECRETARY

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

Review Committee No. 21027 Business Manager's Grievance 11-03 Various Departments & Locations

Subject of the Grievance

This grievance concerns whether overtime, which is paid at the straight-time rate, is included in the calculation of part-time employee's prorated benefits such as vacation, holiday hours and sick leave.

Facts of the Case

This grievance stems from the change in the overtime language of Section 12.2. During General Negotiations, the parties' amended the language to create new exceptions to when overtime would be paid at the overtime rate. In general, the new language provides that employees who are off work without pay during their regular work hours will not receive overtime compensation for overtime worked until they complete 8 hours on a workday at the straight-time rate or 40 hours at the straight-time rate during a workweek.

Section 17.6 provides that regular part-time employees are entitled to prorated benefits including, vacation, holiday hours and sick leave based on the ratio of straight-time hours worked in a year by the employee to the full-time equivalent 2080 hours. At issue in this grievance is whether the overtime hours paid at the straight-time rate under Section 12.2 are included in the calculation. The Company is not including these hours in the calculations.

Discussion

The Committee agreed that the intent of Section 17.6 and the basis of comparing to 2080 hours, is to prorate benefits as a percentage of regular hours worked. Review Committee 800 provided direction in determining the daily 8 hour blocks for the workweek of part-time employees. Regardless of the number of hours regularly scheduled, the 2080 regular hours for part-time employees are the 8 hours measured from the start of the employee's schedule times 5 workdays per week times 52 weeks per year.

Any hours worked within the 2080 regular hours are included in the calculation of prorated benefits, regardless of the rate of pay. Any hours worked outside of the 2080 regular hours are not included in the calculation of prorated benefits regardless of the rate of pay.

The Committee noted that when the language of Section 12.2 was changed, the language of Section 8.5 was also modified. With this modification, a part-time employee who is absent due to sick leave without pay for less than 200 cumulative hours will not have their vacation allowance reduced.

Decision

The Committee agrees that there is no violation of the agreement and closes this grievance without adjustment.

For the Company:

Doug Veader
Laura Sellheim
Rod Williams
Tanya Moniz-Witten

By: Doug Veader

Date: 6/13/14

For the Union:

F.E. (Ed) Dwyer Jr.
Jeff Campodonico
John Blaylock
Karen Russell

By: [Signature]

Date: 6/13/14