

*to Index  
106.12*

**MEMORANDUM**

TO: All Staff Assigned to PG&E  
FROM: Darrel Mitchell  
DATE: July 23, 1992  
SUBJECT: 106.12

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Attached for your information is a letter PG&E has distributed internally regarding Company's interpretation of certain applications of 106.5 and 106.12.

**THIS IS NOT A JOINT COMPANY-UNION CLARIFICATION.**

Local 1245 most likely is in accord with the first and ninth paragraphs only.

Attachment

cc: Mr. David Bergman  
Pacific Gas & Electric

**Memorandum**

Date: June 8, 1992 File #:  
To: VARIOUS  
From: INDUSTRIAL RELATIONS  
Subject: Temporary Additional Employees

PG&E  
JOE DE MARTINI  
BRETT KNIGHT  
JOHN MOFFAT  
MARGARET SHORT  
GEORGE TRESSA  
MIKE TYBURSKI

① In my letter of January 16, 1992, concerning the use of temporary additional employees, I addressed several questions about the proper application of Section 106.12 and 106.5. Since that time we have had several discussions concerning how an employee's status is affected by layoff and subsequent rehire under the two provisions. The following outlines the proper treatment in given situations.

Definition

② For purposes of this document, we consider individuals hired on a temporary basis, for purpose of seasonal or additional work as 106.12 employees. Individuals hired into regular positions pursuant to Title 205, hired to provide temporary relief behind an absent or injured employee(s), or are hired for additional work which is anticipated to last more than six months, are considered to be 106.5 employees.

③ Employees hired pursuant to 106.5 to provide temporary relief behind an absent or injured employee(s) should be hired with an agreement from the local Business Representative that they will not be included in determining the status of Letter Agreement 88-104. All other 106.5 employees are to be included in determining 88-104 status.

Determination of Service Date

④ If an individual is hired as a 106.12 employee and laid off prior to 1040 hours, then subsequently rehired for temporary relief behind another employee via 106.5 after a break of more than a cumulative total of 30 days but less than one year, utilize their 106.5 rehire date for purposes of determining when they would gain regular status upon completion of 6 months of service. If they do attain regular status, their service would be bridged back to their original hire date as a 106.12 employee and all the provisions of 106.5 would apply.

7/23 LA w/DSB LU not in accord.

June 8, 1992

Example:

Hired: 1/2/92 106.12  
Laid Off: 5/2/92 980 hours

Rehire: 6/10/92 106.5 Replacement  
Regular Status: 12/10/92 Service Bridged to 1/2/92

If an individual is hired as a 106.12 employee and is laid off prior to 1040 hours, then subsequently rehired via 106.5 without a break of more than a cumulative total of 30 days, their time spent as a 106.12 employee would be counted towards determining when they would gain regular status as a 106.5 employee and the 106.12 hire date would be utilized as the original hire date.

Example:

Hired: 1/2/92 106.12  
Laid Off: 4/2/92 820 hours

Rehire: 4/30/92 106.5 Replacement  
Regular Status: 7/2/92 Service Date of 1/2/92

If an individual is hired via 106.5, laid off and subsequently rehired as a 106.12 employee, their straight time hours worked within the last 365 day period from their most recent 106.12 hire date, would be counted as hours for the purposes of determining regular status.

Example:

Hired: 1/2/92 106.5 Replacement  
Laid Off: 5/2/92

Rehire: 7/5/92 106.12  
Regular Status: Completion of 1040 hours, inclusive of hours worked via 106.5

If an individual is laid off for a period of greater than 12 months, determination of status would be based on their most recent hire, either 106.5 or 106.12.

106.12 Implications to Contracting

The language of 106.12 (c), stating "the utilization of any temporary additional employee shall be considered as "contracting out of work" for the purposes of Letter Agreement 88-104" was intended to protect the security of regular status employees while 106.12 employees are working. The language of 88-104 states that "Company shall only contract after all efforts are made to use qualified Company resources, including optimum use of voluntary overtime and consideration of General Construction personnel." Therefore, it is not a requirement for a given headquarters to be at their 88-104 floor numbers (if they are not

June 8, 1992

otherwise contracting), nor is it a requirement to assure optimal utilization of overtime or consideration of GC prior to hiring 106.12 employees, as 106.12 employees are considered to be Company resources. Further, it is not a violation to lay off a 106.12 employee at the end of their assignment while contracting is occurring at that headquarters.

However, the hiring of a 106.12 employee does in effect establish a given department's new floor number based upon the number of employees as of the date of hire, exclusive of the 106.12 employee(s) (reference LA R2-91-60).

Please communicate the above clarification to your clients. Thank you for your assistance.

  
Dave Bergman

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cc: IR Staff  
Donna Fletcher  
Chris Joyce

<u>HIRED AS</u>	<u>LAID OFF BY</u>	<u>REHIRED</u>	<u>SERVICE BREAK</u>	<u>ANSWER</u>
106.12	LESS THAN 1040 HRS.	106.5	3' - 365 DAYS	USE 106.5 REHIRE DATE TO DETERMINE REGULAR STATUS; IF REGULAR, BRIDGE BACK TO 106.12
106.12	LESS THAN 1040 HRS.	106.5	NO BREAK / 30 DAYS OR LESS	USE 106.12 DATE TO DETERMINE REGULAR STATUS AND AS HIRE DATE
106.5		106.12		USE ST. HRS IN PAST YEAR FROM 106.12

1/24/92

Date: January 24, 1992

File #: 741

106.12

106.12

To: VARIOUS

From: HUMAN RESOURCES

Subject: Temporary Additional Employees



DIVISION COUNCIL:

The attached letter from Corporate Industrial Relations discusses Section 106.12 of the Physical Agreement which was added during general negotiations in 1990 and became effective on January 1, 1992.

The letter requests that temporary additional physical employees be specifically identified in the comments section of the payroll change tag by stating, "This employee is a Title 106.12 temporary additional."

The letter also requests that we submit a list of all current 106.12 T/A's to Payroll Services. Please submit the names of 106.12 T/A employees to Kathy Price by February 5, 1992.

To assist you, a 106.12 T/A employee is an employee who is temporarily added to the workforce for less than six months due to seasonal workload. Summer hires are considered 106.12 employee.

Temporary physical employees who are filling in behind an absent physical employee are considered temporary replacements and are not impacted by this letter.

*Steve fu*

STEVE RAYBURN

SAR(481-3202):kp

- cc: Dean Gurke
- Kim Lytton
- Doug Veader
- Frances Wilder

Attachment

*Mike Tyburski*

Y 100 12/17/91  
1701887

Date: January 16, 1992 File #:  
To: VARIOUS  
From: INDUSTRIAL RELATIONS  
Subject: **Temporary Additional Employees**

RECEIVED  
JAN 20 1992



JOE DE MARTINI  
BRETT KNIGHT  
JOHN MOFFAT  
DAVE SCHULTZ  
GEORGE TRESSA  
MIKE TYBURSKI

*cc: Div HR Mgrs  
Sr Labor Reps*

SAR  
MISSION DIV  
HUMAN RESOURCES  
NURSE  
SR-C  
EMP-C  
PLAC/DEPT  
JAN 23 1992  
SEE ME FYI HANDLE  
FOLLOW-UP FILE

With the recent addition of Section 106.12 of the Physical Agreement regarding the use of Temporary Additional Employees, a number of questions have arisen regarding the use of temporary employees for work other than occasional or seasonal.

The proper application is to continue using Section 106.5 <sup>Regular Status E's</sup> EXCEPT in those situations where you have occasional or seasonal, additional work where you know the approximate start and end date and you know that the timeframe will not exceed 1040 hours. It is not the Company's desire or intent to allow temporary employees hired under 106.12 to become regular employees.

Section 106.12 is not intended to be used for replacing an absent employee. However, 106.12 should be used for summer hires where the intent of the hiring is for additional summer work or vacation relief where the hired employee is used in a general relief capacity rather than behind a specific individual.

The intent during bargaining was to provide the Company with the ability to supplement its workforce during peak periods and to give the Company the ability to hire these individuals on a short term basis into above-entry level positions. This is a right the Company formerly did not have.

Due to the confusion, we recommend that when an individual is hired into a temporary additional position that the payroll change tag reflect whether the employee is to be treated pursuant to the provisions of Section 106.12 or Section 106.5 of the Physical Agreement.

January 16, 1992

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As we discussed in the January 7th meeting with the IBEW, this information is integral to providing accurate data for the purposes of LA 88-104. In order for Payroll to know which employees to code, the Payroll Change Tag must specifically state:

**THIS EMPLOYEE IS A TITLE 106.12 TEMPORARY ADDITIONAL**

Current employees with this status have not been identified and therefore their status is not properly coded. Please advise your clients of the necessity of identifying all future Title 106.12 Temporary Additional employees by including the above statement on the Payroll Change Tag (if EASY is used the statement must be typed on before submitting.)

In addition, please have all current Title 106.12 employees identified and submit a list of their names and social security numbers to DONNA FLETCHER, Payroll Services, Room 680, 77 Beale, SF.

Please communicate the above clarification to your clients. Thank you for your assistance.



Dave Bergman

cc: IR Staff  
Donna Fletcher  
Bob Martin, IBEW