

207.2 -Dispute over
2.1 remedy in joint
employer relation
/ship issue.



REVIEW COMMITTEE

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PACIFIC GAS AND ELECTRIC COMPANY
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SAN FRANCISCO, CALIFORNIA 94177
(415) 973-8510

**CASE CLOSED
FILED & LOGGED**

DEC 27 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

MARGARET A. SHORT, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

Grievance No. Corporate Services. No. 22-657-91-11
Fact Finding Committee No. 5234-92-120
Pre-Review Committee File No. 1742

JOE CERRUTI
Company Member
Local Investigating Committee

LULA WASHINGTON
Union Member
Local Investigating Committee

Facts of the Case:

This case concerns contracting of work by the Computer & Technical Services Department. In February 1995, the Pre-Committee issued a decision that found the Company in violation of Review Committee Decision 1637, that Company was engaged in a joint employer relationship with the contractors providing service at the Depot in the General Office. The case was returned to the LIC to determine and effect a remedy consistent with RC 1637. The LIC was unable to do that and returned the case to P-RC.

Discussion:

The LIC could agree that the company owed back dues to the Union and that there are no additional wages due the contract workers. The Union insisted on the filling of four Telecommunications positions and a commitment to never contract this work again.

At P-RC, the Pre-Review Committee is in agreement that being found in violation of RC 1637 requires the company to reassesses how it is getting the grieved work accomplished and to make the necessary adjustments to get the work performed in a manner that in compliance with the labor agreement which provides several staffing alternatives.

While the filling of additional positions is not mandatory under RC 1637, the intent behind the decision is that prolonged use of agency employees in joint employer arrangement is demonstration of the need for additional bargaining unit positions. It is the understanding of the Pre-Review Committee that the joint Telecommunications Title 8 committee is currently discussing staffing issues and may have some recommendations at a future time.

Decision:

This case is closed on the basis of the offer made at the LIC to pay back dues and to cease and desist the joint employer relationship.

Margaret A. Short
Margaret A. Short, Chairman
Review Committee

12/19/95
Date

Roger Stalcup
Roger W. Stalcup, Secretary
Review Committee

12/19/95
Date