



PACIFIC GAS AND ELECTRIC COMPANY
 2850 SHADELANDS DRIVE, SUITE 100
 WALNUT CREEK, CALIFORNIA 94598
 (925) 974-4282

MARGARET A. SHORT, CHAIRMAN

DECISION
 LETTER DECISION
 PRE-REVIEW REFERRAL

REVIEW COMMITTEE

RECEIVED by LU 1245
 December 13, 2004

**CASE CLOSED
 FILED & LOGGED**

IBEW



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

**ARB 270
 Review Committee No. 14489
 Business Manager's Grievance No. IR-IBEW-03-02
 Station, Substation, Hydro**

Jeff Wilding
 Company Member
 Local Investigating Committee

Roger Stalcup
 Union Member
 Local Investigating Committee

Subject of the Grievance

This grievance alleges a violation of Exhibit XVI, Contracting Out. Specifically, that Station, Substation, Hydro has contracted in excess of 20% but not filled sufficient vacancies to be compliant with the provisions of the labor agreement.

Facts of the Case

This grievance was referred to arbitration but an Ad Hoc Committee continued to discuss it. On September 13, 2004 the parties reached a resolution and withdrew the case from arbitration.

Most provisions of Exhibit XVI were effective July 1, 2000. As of that date, the SSH department had 355 employees. The headcount target needed for all provisions of Exhibit XVI to be in effect was 420. This headcount was attained in April 2003.

This grievance was filed on July 21, 2003. At the end of 3rd Quarter 2003, SSH had been contracting 32.11% over the preceding 12-month period. Based on the amount of contracting, to be compliant with Exhibit XVI, the headcount was deficient by 44 employees.

SSH continued to fill positions and actually increased their headcount by 29% at the end of 2003. In 2004, the department began reducing its contracting and by the end of August 2004 was no longer deficient in headcount.

Company noted that Item 4 of the General Provisions of Exhibit XVI states:

"The parties will meet to discuss special circumstances such as the current needs in Substation Construction where an exemption to the percentages detailed in 'Department Contracting Out of Work Provisions' items 5 and 6 are needed."

This means Company could have requested a meeting with Union to negotiate a variance for SSH, but this did not occur.

Decision

The Review Committee agrees that for a period of time, the Station, Substation, & Hydro Department was not in compliance with the provisions of Exhibit XVI. As a remedy, it was agreed Company will pay dues to Union for each quarter from June 2003 to current that there was a headcount deficiency.

Union will consider an Exhibit XVI exemption for this department now that the required headcount has been achieved.

This case is closed on the basis of the foregoing and the adjustment provided herein.

For the Company:

Margaret A. Short
Bob Lipscomb
Dave Morris
Toby Tyler

By: Margaret Short

Date: 12/9/04

For the Union:

Sam Tamimi
William R. Bouzek
Louis Mennel
Sherrick A. Slattery

By: A.A. Salsenmuer

Date: 12-9-04

Station, Substation, Hydro
Dues Payment

Month/Year	Floor Number	Head Count	Under Floor	# of HH	Regular Emp Hours	Outside Contracting Hours (No HH)	20% of Regular Hrs	% of Contracting	# of Hours over 20% / 1 month FTE (173.33)	# of Bodies who didn't Pay Dues	Rate of Pay	Dues Percentage	Dues Owed
March-04	420	456	-36		74790.75	16817.78	14958.15	22.49%	10.73	10	\$5,747.35	1%	\$574.74
February-04	420	465	-45		74790.75	16817.78	14958.15	22.49%	10.73	10	\$5,747.35	1%	\$574.74
January-04	420	458	-38		74790.75	16817.78	14958.15	22.49%	10.73	10	\$5,747.35	1%	\$574.74
December-03	420	458	-38	17	74555.17	8586.94	14911.03	11.52%	-36.49	0	\$5,526.21	1%	\$0.00
November-03	420	463	-43	19	74555.17	8586.94	14911.03	11.52%	-36.49	0	\$5,526.21	1%	\$0.00
October-03	420	466	-46	23	74555.17	8586.94	14911.03	11.52%	-36.49	0	\$5,526.21	1%	\$0.00
September-03	420	464	-44	24	75327.75	13459.84	15065.55	17.87%	-9.26	0	\$5,526.21	1%	\$0.00
August-03	420	465	-45	22	75327.75	13459.84	15065.55	17.87%	-9.26	0	\$5,526.21	1%	\$0.00
July-03	420	464	-44	24	75327.75	13459.84	15065.55	17.87%	-9.26	0	\$5,526.21	1%	\$0.00
June-03	420	457	-37	18	76238.67	19086.51	15247.73	25.04%	22.15	22	\$5,526.21	1%	\$1,216.77
Total Dues Owed													\$1,790.50

Note - The monthly regular employee hours and outside contractor hours are the total hours for the quarter divided by three.

We do not have all the hours reported for 2nd Quarter 2004