



REVIEW COMMITTEE
Arbitration Case No. 338



PACIFIC GAS AND ELECTRIC COMPANY
LABOR RELATIONS DEPARTMENT
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(415) 973-8599

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

CLAIRE IANDOLI, CHAIRPERSON
 DECISION
 LETTER DECISION
 PRE-REVIEW REFERRAL

KIT STICE, SECRETARY

Review Committee Number 23358
Telecomm Operations-Telecommunications – Davis

Jeff Neeley
Company Member
Local Investigating Committee

Kyle Whitman
Union Member
Local Investigating Committee

The above-subject grievance had been referred to arbitration as Arbitration Case No. 338 and is returned to the Review Committee for settlement.

Subject of the Grievance

On or about 8/20/2015 the Union was made aware of the use of Canus contract employees being utilized for extended periods of time lasting one year or more and integrating Canus employees into crews.

Facts of the Case

Review Committee (RC) Decision 1637 lists a number of factors to determine the existence of a joint employer status. The Union suggests the use of PG&E tools, equipment, and attendance at Company tailboards as well as providing direction to PG&E and Canus personnel to run Company operations as evidence of a joint employer relationship.

According to the Company, Canus handles its own hiring and firing, discipline, wages and benefits and controls its own work and provides personnel for project work which establishes there is no joint employer relationship.

Discussion

The Review Committee has reviewed the LIC report, relevant Arbitration decisions and RC Decision 1637.

The Union requested, in part, that the Company cease and desist the use of Canus contractors based on a joint-employer relationship. Further, the Union requested that the Company fill regular vacancies within the department.

The Company believes its actions did not violate the provisions of Exhibit XVI or any other contractual provisions of the Physical Agreement. In addition, the Company disputed the Union's assertion that the use of contractors created a joint-employer relationship.

Decision

The Company agrees to first exhaust Hiring Hall employees pursuant to the provisions of Letter Agreement R1-04-12 (Hiring Hall Agreement) to address future temporary staffing needs and/or agrees to contract out the work in compliance with Exhibit XVI. Based on the above, the grievance is settled and closed.

Claire Ica 6/20/18
Claire Iandoli, Chairman Date
Review Committee

Kit Stice 6-20-2018
Kit Stice, Secretary Date
Review Committee