

207.2

Local Investigating Committee
Joint Statement of Facts
Grievance No. IR-IBEW 99-01

Subject of the Grievance:

The Union alleges that the Company is using Hiring Hall and contracting in violation of the Agreement and is also in violation of the settlement agreement for Arbitration 224.

Exhibits:

Grievance No. IR-IBEW-99-01
Letter Agreement 95-145
Open Vacancy Report dated, February 2, 2000
Positions Filled Report dated, February 2, 2000
Open- Unrestricted Positions Report dated, February 2, 2000
Hiring Hall Active As Of 01/21/00
Arbitration 224 Decision

Facts of the Case:

A Local Investigating Committee comprised of Roger Stalcup, Assistant Business Manager and Ken Ball Senior Business Representative, for the Union and John Moffat, Senior Negotiator and Margaret Short, Director for the Company met on April 20, 1999. On September 27, 1999, the Company members met with Perry Zimmerman Assistant Business Manager. On January 26, 2000 the Company met with Roger Stalcup, Assistant Business Manager.

Materials Department

The floor number is 359 as of March 31, 1999 the Department was at 333, which excludes two long term upgrades out of the unit. The department had 27 Hiring Hall employees as of March 31, 1999. Since March 31, 1999 eight additional positions have been filled bring the number to 341.

The department will continue to follow the process in filling positions: 1, priority one, 2a. transfers 2b. post internally 3. look at existing Hiring Hall and 4. External

The department plans to be in compliance with the Arbitration 224 commitment in June 1999.

On September 27, 1999 the Company and Union met and the Company has come into compliance with their obligation under Arbitration 224. The department currently has no hiring hall, is not contracting and filled 27 positions.

Gas M and C:

The floor number for Gas M and C is 201. When Arbitration Case No. 224 was settled on January 29, 1999, there were 189 regular positions filled and the department was utilizing seven hiring hall employees. As of December 2, 1999, there were 193 regular positions filled. At that same time, the department continued to utilize four Hiring Hall employees. As of January 26, 2000, the department was not attempting to fill any vacancies through Centralized Job Bidding.

In the resolution of Arbitration Case No. 224, the parties agreed that the Gas M and C Department must "bring the number of regular positions up to the floor number or eliminate all hiring hall positions in the department and fill positions equal to the hiring hall positions eliminated" The parties agree that the department has done neither of the above. They had the option to either fill twelve permanent positions while retaining the seven hiring hall positions, or to eliminate the seven hiring hall positions and fill seven permanent positions. Over a year later, the department had filled only four positions, and has not yet released four of the hiring hall employees.

Also as part of the settlement of Arbitration Case No. 224, the parties agreed to the following statement:

"It is understood and agreed that for the future, the parties will abide by the specific provisions of the Agreement for the purpose of floor numbers and the bar on contracting or using hiring hall employees."

As noted above, in the settlement of Arbitration Case No 224, the parties agreed on a one-time-only basis to give the department the option of filling the number of positions necessary to restore the floor numbers or to eliminate all hiring hall positions and fill regular positions equal to the number of hiring hall positions eliminated. In this case, the M and C Department did not comply with either option. As such, the department no longer has the option of eliminating hiring hall positions and filling an equal number on a regular basis. The department must now restore the full number of positions necessary to bring it back up to the floor number of 201 regular positions.

The Committee agrees that the department must fill regular positions to restore the floor number. The Company will make a good faith effort to fill the positions in an expeditious manner and will provide the Union with weekly status report.

Steam Mechanical:

The floor number is 106, currently there are two Hiring Hall employees the Company plans on releasing the Hiring Hall and have three URA, Traveling Certified Welders positions at Diablo Canyon Power Plant and one Tool Maintenance Clerk. The Company is working toward compliance with the Agreement.

The Company and Union met on September 27, 1999, and the department is in compliance with Arb. 224.

Steam Operating:

The floor number is 166, the department is currently at 133 with 10 vacancies and one hiring hall employee. The Company is currently in the process of filling the position held by the hiring hall employee with a hire and will release the hiring hall employee.

The Company and Union met on September 27, 1999, and the department is in compliance with Arb. 224.

Steam Clerical:

The floor number is 121, currently there is one Hiring Hall employee. The Company is planning on offering the position as a 206 option. The department is currently at 92.

The Company and Union met on September 27, 1999, and the department is in compliance Arb. 224

Gas Service:

The floor number is 897. Currently they are at 870, which includes a reduction of 12 long term upgrades. The department has 12 Hiring Hall employees remaining. The department has filled 25 positions and currently has three open requisitions. The department will continue to work to come into compliance with the Agreement.

The company and Union met on September 27, 1999, and the department has come into compliance with Arb. 224

Electric Meter:

When Arbitration Case No. 224 was settled on January 29, 1999, the Electric Meter Department had a floor number of 153. At that time, there were 145 permanent positions filled and the department was utilizing 8 hiring hall employees.

On March 4, 1999, Electric Meter Department still had 145 permanent positions filled and was still utilizing 8 hiring hall employees.

On April 20, 1999, Electric Meter Department had 149 permanent positions filled and was still utilizing 8 hiring hall employees.

On December 2, 1999, Electric Meter Department had 150 permanent positions filled and was still utilizing 8 hiring hall employees.

On January 29, 2000, Electric Meter Department had 148 permanent positions filled and was still utilizing 8 hiring hall employees.

The department has a total of five URA's Metering Technician vacancies. The locations are Santa Maria, Salinas, San Jose and Stockton and a Utility Worker in Fremont. Once these positions are filled they will be at their floor number and in compliance with Arbitration 224. The department has an open Apprentice Meter System Technician in the bidding process in Fresno. The Company has filled 17 positions in the Metering Line of Progression since January 1, 1999. Nine of these positions were filled after February 1, 1999.

The Company and Union met on September 27, 1999 and on January 26, 2000 and currently the department is at 148, five below the floor and has eight Hiring Hall employees. Currently there are no open positions being filled and since last year to date 29 positions have been filled.

In the resolution of Arbitration Case No. 224, the parties agreed that the Electric Meter Department must "bring the number of regular positions up to the floor number or eliminate all hiring hall positions in the department and fill positions equal to the hiring hall positions eliminated" The parties agree that the department has done neither of the above. They had the option to either fill eight regular positions while retaining the eight hiring hall positions, or to eliminate the eight hiring hall positions and fill eight regular positions. Over a year later, the department had filled five positions, but to date has not yet released any of the eight of the hiring hall employees.

Also as part of the settlement of Arbitration Case No. 224, the parties agreed to the following statement:

"It is understood and agreed that for the future, the parties will abide by the specific provisions of the Agreement for the purpose of floor numbers and the bar on contracting or using hiring hall employees."

As noted above, in the settlement of Arbitration Case No 224, the parties agreed on a one-time-only basis to give the department the option of filling the number of positions necessary to restore the floor numbers or to eliminate all hiring hall positions and fill regular positions equal to the number of hiring hall positions eliminated. In this case, the Electric Meter Department did not comply with either option.


The Committee agrees that the department must fill regular positions to restore the floor number. The Company will make a good faith effort to fill the positions in an expeditious manner and will provide the Union with weekly status report.

Statement and Referral:

The Company is not yet in compliance with the 207.2 but is working toward compliance as provided for in Arbitration 224.

The Union continues to maintain the position that the Company is in non compliance with both 207.2 and Arbitration 224 and has not made a significant effort in all of the departments to come into compliance.

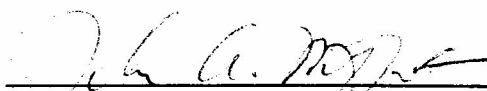
The Committee agrees that the departments must fill regular positions to restore the floor number. The Company will make a good faith effort to fill the positions in an expeditious manner and will provide the Union with weekly status report.



Roger Stalcup, for the Union



Ken Ball, for the Union



John Moffat, for the Company



Margaret Short, for the Company