

Local Investigating Committee
Joint Statement of Facts
Grievance No. IR-IBEW 99-03

Subject of the Grievance:

The Union alleges that the Company is using Hiring Hall employees and are below their Section 207.2 floor numbers in violation of the Agreement.

Exhibits:

1. Grievance No. IR-IBEW-99-03
2. 88-104 Quarterly System Reports
3. Letter Agreement 95-145
4. Open Vacancy Reports, dated 2/2/00
5. Open Unrestricted, dated 2/2/00
6. Title 200 vacancies filled in 1999 and to date in 2000
7. Hiring Hall Report dated 01/21/00
8. Department Employee List dated 2/29/00

Facts of the Case:

The 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 29, 1999. On January 26, 2000, Stalcup and Moffat met.

The floor number for Electric Office Department is 95. As of March 31, 1999, there were 91 positions filled. There were 13 Hiring Hall employees working in the Department at that time. On September 27, 1999 the Company and Union re-examined the numbers and determined that the department had 92 positions filled, and still had 12 hiring hall positions filled. Since March 31, 1999 four positions have been filled.

On January 26, 2000, the Department had 93 positions filled, and still had 12 hiring hall employees. The Company is not in the process filling positions through Job Bidding and Transfer and had not released positions for unrestricted appointment.

On February 29, 2000, the department had 98 regular employees assigned, three of whom are employees who have been assigned to temporary exempt positions in excess of one year (Exhibit 8), thus bringing the number of positions up to 95, the floor number for the department. There are currently 14 Hiring hall employees in the department.

It is noted by the Local Investigating Committee that the grievance at issue in this case was filed on March 5, 1999 and that the Department came into compliance with the provisions of the Agreement on February 29, 2000, one year after the grievance was filed.

Statement and Referral:

The company was not in compliance with the provisions of Section 207.2 of the Agreement between March 1999 and February 2000. Since this grievance was filed, Company had operated below the floor number, and at the same time has continued to utilize the services of hiring hall employees, in violation of the provisions of Section 207.2. Between January 26, 2000 and February 29, 2000, Company has increased the number of regular positions filled up to a level equal to the floor number. The department has now complied with the Agreement.

On the basis of the above, this case will be closed. However, agreement to close this case on the basis of the above is conditioned on the agreement of the Department that should the floor number fall below 95 while hiring hall employees continue to be utilized, the Department will immediately take steps to post vacancies and make a good faith effort to fill positions through the provisions of Title 205 within 30 days of the date they fell below the floor number.


Roger Stalcup, Asst. Business Mgr.

4/4/00
Date


Ken Ball, Sr. Business Rep.

4-5-00
Date


Margaret Short, Director

4/13/00
Date


John Moffat, Senior Negotiator

4/13/00