

REVIEW COMMITTEE

PG and E

PACIFIC GAS AND ELECTRIC COMPANY
245 MARKET STREET, ROOM 444
SAN FRANCISCO, CALIFORNIA 94106
(415) 781-4211, EXTENSION 1125

IBEW



INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W.
P.O. BOX 4790
WALNUT CREEK, CALIFORNIA 94596
(415) 933-6060
R.W. STALCUP, SECRETARY

D.J. BERGMAN, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

Shasta Division Grievance Nos. 13-128-80-12, 13-127-80-11
and 13-135-80-19
P-RC Nos. 553, 560 and 587

April 15, 1981


MR. E. M. CONWAY, Company Member
Shasta Division
Local Investigating Committee

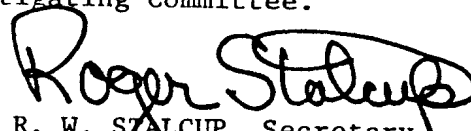
MR. R. M. HAFNER, Union Member
Shasta Division
Local Investigating Committee

The above-subject grievances were submitted to the 1980 Pension Negotiations for settlement; and as a result of the recently ratified Pension Agreement, these cases were returned to the Review Committee for settlement in accordance with the following:

The Local Investigating Committee is to resolve these grievances in accordance with the provisions of Attachment C, Item 2, of the Pension Settlement letter dated, March 4, 1981.

These cases are considered closed on the basis of the foregoing, and the closure should be so noted by the Local Investigating Committee.


D. J. BERGMAN, Chairman
Review Committee


R. W. STALCUP, Secretary
Review Committee

DJB:ml

cc: JSCooper
RJLaRue, Jr.
MEBadella
LCBeanland
LBlandford
IWBonbright
LVBrown
FCBuchholz
RHCunningham
NRFarley
CAMiller
JBStoutamore
WKSnyder
CPTaylor
RCTaylor
Division Personnel Managers

PRC 560

SETTLEMENT OF GRIEVANCES REFERRED TO THE
PENSION BARGAINING COMMITTEES

1. Fact Finding Case No. 1217-79-158 (Humboldt Division) -
L. Barker - Vacation Allowance

This grievance, filed by Mr. Lloyd Barker, states that Company was in violation of Section 3.23 of the Benefit Agreement, specifically the definition of Covered Compensation, when it required him to take vacation earned in the year in which he retired prior to his retirement date in accordance with Standard Practice No. 723-1, Paragraph 29, effective January 1, 1975.

The difference of opinion between Company and Union on this matter developed out of the bargaining for the January 1, 1977 amendments to the Pension Plan. At that time the Company agreed to include that portion of the vacation allowance which was paid upon retirement as an extra amount of money to be included in the highest 60 consecutive months of earnings for the calculation of the employee's pension. The Union believed that the Company also agreed to include any vacation earned in the year of retirement in this allowance. Company's understanding, as spelled out in its Standard Practice - both in the 1975 version and the 1980 version, is that the vacation payoff at retirement was limited to the equivalent of one year's vacation allowance.

In order to settle this case, the parties agree that Mr. Barker's monthly pension payments will be recalculated retroactive to his actual retirement date to include the value of the disputed vacation which he was required to take prior to his retirement. Since the Pension Plan has been changed and the basic formula no longer provides for a vacation allowance in the computation of an employee's pension, it is also agreed that the Company's Standard Practice on this matter, as last revised on August 1, 1980, will apply until such time as it is changed in conformance with the 1981 settlement.

2. Credited Service Grievances

A number of greivances have been referred from the Pre-Review Committee and the Review Committee. The common thread in all of these cases is an allegation on the part of the grievant that Company had failed at some time prior to 1973 to inform such grievant of his rights and obligations under the terms of the then existing Pension Plan, primarily of the obligation to contribute to such Plan in a timely manner in order to accrue Credited Service from the date of grievant's employment. It has been virtually impossible for the Company or for the various joint Company-Union Committees to determine with any degree of accuracy the truth or falsehood

of the allegations of either the grievant or Company supervisors. This is so because the existing records are old, and in most cases incomplete, and in all cases the memory of the parties on either side of the dispute cannot be expected to be perfect for events which occurred prior to 1973. The Pension Bargaining Committees agree that the grievances listed below, as well as any on the same issue which may be at lower steps of the Grievance Procedure, shall be settled in accordance with the terms of the amended Special Provision F. Therefore, it is the intent of the parties that future disputes, if any, of this nature, shall be resolved solely in accordance with Special Provision F.

Some of the named grievants have retired since the original filing of their grievances. Those retired grievants who are still living will be offered the opportunity to buy back their lost Credited Service on the same basis as that provided in Special Provision F and have their pensions retroactively adjusted accordingly. "Current monthly wage rate" as used in such Provision will be assumed to be the final pay prior to retirement computed on a monthly basis.

Listed below are the Pre-Review Committee and Review Committee cases to which this settlement applies:

<u>Pre-Review Committee No.</u>	<u>Grievant</u>
548 - Drum	O. Bohannon & F. Sedgley
553 - Shasta	C. Callas
559 - Stockton	B. J. Byous
560 - Shasta	W. Benham
562 - Colgate	F. J. Newbold
582 - General Construction	C. Katsares
586 - De Sabla	J. F. Jaster
587 - Shasta	J. Yochum
605 - General Construction	H. Boynton
612 - Coast Valleys	G. Dyer
<i>Get in line</i> 613 - Colgate	D. Cummins
616 - Coast Valleys	R. J. Baumann

<u>Review Committee No.</u>	<u>Grievant</u>
1475 - De Sabla	B. L. Berg & L. W. Hope
1477 - North Bay	P. Cranse
1478 - Humboldt	T. A. Jennings
1510 - Stockton	E. Davis

*1 out of 4 employees
have lost credited
Svc.*

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- DECISION
- LETTER DECISION
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Shasta Division Grievance No. 13-127-80-11
P-RC 560
Request to Buy Back Credited Service in Company Pension
Plan Denied by Company, WBenham

MR. E. M. CONWAY, Company Member
Shasta Division
Local Investigating Committee

MR. R. M. HAFNER, Union Member
Shasta Division
Local Investigating Committee

The above-subject grievance was discussed by the Pre-Review Committee and is being returned to the Local Investigating Committee for settlement in accordance with the following:

The central issue of the grievance concerns the Credited Service Date of the grievant for the purposes of the Company's Retirement Plan. This issue is not new to the Review Committee and; in the past, the Committee has tried to establish guidelines through Review Committee decisions. However, the actual method to be used in determining an employee's Credited Service remains unanswered by the Committee and, as a result, the Review Committee is of the opinion that the grievance would be better resolved by referral to the Pension Negotiations that are scheduled in the fall of 1980. Future cases will be handled similarly.

The Pre-Review Committee will submit the complete grievance files for consideration to the Pension Bargaining Committee; and once settlement is reached, the Local Investigating Committee will be notified of their results.

D. J. BERGMAN, Chairman
Review Committee

M. A. MEDEROS, Secretary
Review Committee

DJB :ml

cc: RJLaRue, Jr. NRFarley
MEBadella CAMiller
LCBeanland JBStoutamore
IWBonbright WKSnyder
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