

**PG and E**

**FOR INTRA-COMPANY USES**

From Division or Department INDUSTRIAL RELATIONS  
741.5

RECEIVED AUG 27 1982

FILE NO.  
RE LETTER OF SUBJECT East Bay Division Grievance No. 1-1261-81-68  
P-RC 698

To Division or Department

August 24, 1982

|                             |                  |
|-----------------------------|------------------|
| DIVISION PERSONNEL MANAGERS | D. A. OKABAYASHI |
| MESSRS. L. C. BEANLAND      | T. C. PHEBUS     |
| F. C. BUCHHOLZ              | L. SILTON        |
| G. CLERK                    | W. K. SNYDER     |
| R. H. CUNNINGHAM            | J. B. STOUTAMORE |
| N. R. FARLEY                | C. P. TAYLOR     |
| E. HATHAWAY                 | C. E. WELTE      |

Recently you received P-RC Decision No. 698 concerning overtime pay for part-time scheduled employees. This decision expands upon Review Committee Decision No. 800 which provided for overtime compensation for time worked prior to a part-time employee's regularly scheduled hours or for time worked in excess of eight consecutive hours. P-RC No. 698 provides that if a part-time scheduled employee works at times other than his regularly scheduled hours, that employee is entitled to overtime. However, if an employee is regularly scheduled to work less than eight hours, the overtime entitlement is not applicable until after the expiration of eight consecutive hours from the start of the employee's regular shift.

For overtime assignments, the appropriate overtime rate (time and one-half or double time) is determined by when the part-time scheduled employee is given notification. If notice is given on an employee's regularly scheduled workday or non-scheduled day prior to the end of the shift, then time and one-half would be appropriate. If notice is given on an employee's non-workday or outside of the employee's regularly scheduled hours, then double time would be appropriate.

Attached for your review are two examples of Payroll Change Tags which establish schedules for part-time employees. Please review the files of your part-time scheduled employees and prepare Payroll Change Tags, where necessary, which conform to the attached examples. The hours of work on non-scheduled days should be the same as the hours of work on the last preceding workday.

If you have any questions, call Ms. M. A. Short, Extension 22-6274.



I. WAYLAND BONBRIGHT

MAShort(6274):ml

cc: AWDefoe  
ECSuess  
R. W. Stalcup, IBEW

Encl.

12.1 C  
12.2 C  
17.8 C

## REVIEW COMMITTEE

**PG and E**

**IBEW** 

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(415) 781-4211, EXTENSION 1125

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

**CASE CLOSED** JUL 14 1982  
**LOGGED AND FILED**

D.J. BERGMAN, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

East Bay Division Grievance No. 1-1261-81-68  
P-RC 698

July 1, 1982

MR. L. JOHNSON, Company Member  
East Bay Division  
Local Investigating Committee

MR. S. A. TAMIMI, Union Member  
East Bay Division  
Local Investigating Committee

The above-subject grievance has been discussed by the Pre-Review Committee prior to its docketing on the agenda of the Review Committee and is being returned, pursuant to Step Five A(i) of the grievance procedure, to the Local Investigating Committee for settlement in accordance with the following:

### Facts

This case involves the question of overtime compensation for the grievant, a part-time scheduled Service Representative. The grievant's work week is Friday through Thursday, and the scheduled hours of work are 8:00 a.m. to 5:00 p.m., on Monday, Wednesday and Saturday. Sunday and Tuesday are non-scheduled days in her basic work week. Thursday and Friday are her non-workdays.

### Discussion

The first incident in this case involves a call placed to the grievant on Friday, February 27, 1981, requesting that she report to work that afternoon from 4:00 p.m. to midnight. The second incident involves a call placed to the grievant on Tuesday, March 3, 1981 which is a day on which the employee is not regularly scheduled to work but is nonetheless included in her basic work week. On that day, she again worked from 4:00 p.m. to midnight. The issues, as present in this case, require that the Committee determine the overtime liability for grievant and other part-time scheduled employees whose hours of work, work week, non-work days and non-scheduled days are fixed by Payroll Change Tag as was done in this case.


With respect to hours of work, any work performed by the grievant on Sunday or Tuesday (non-scheduled days) between the hours of 8:00 a.m. to 5:00 p.m. would be at the straight rate of pay regardless of notice as to reporting on those days. The Pre-Review Committee agreed that, because many part-time scheduled employees do not work consecutive days, it is sometimes necessary to contact them at home in making prearranged assignments. Any work performed on Thursday or Friday (non-workdays) or on days within the basic work week but outside of the grievant's scheduled hours (8:00 a.m. to 5:00 p.m.) would be at the overtime rate of pay in accordance with Section 12.1 and the applicable portion of 12.2 of the Clerical Agreement.


Section 17.8 of the Clerical Contract was cited in the case by the Division as a reason for denying the grievant overtime pay for the incidents involved. Section 17.8 is designed primarily to apply to intermittent employees and part-time employees whose hours of work, work week and non-work days are not delineated as specifically as the grievant's in this case.

Decision

On the basis of the foregoing, the grievant is entitled to double time compensation for the work performed on Friday, February 27, her non-work day, between the hours of 4:00 p.m. and midnight and to time and one-half for her work performed on Tuesday for 7 hours, that is, the hours outside her regular work hours that day.

This case is considered closed on the basis of the foregoing and the adjustments provided herein, and the closure should be so noted by the Local Investigating Committee.

  
D. J. BERGMAN, Chairman  
Review Committee

  
R. W. STALCUP, Secretary  
Review Committee

PEPettigrew(1123):ml

cc: FCMarks  
LCBeanland  
IWBonbright  
FCBuchholz  
GCampbell  
RHCunningham  
AWDefoe  
NRFarley  
DAOkabayashi  
TCPhebus  
LSilton  
WKSnyder  
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Division Personnel Managers