

REVIEW COMMITTEE**PG and E****IBEW** 

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

APR 27 1988

**CASE CLOSED
LOGGED AND FILED**

RECEIVED APR 25 1988

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

General Construction Grievance Nos. 3-1651-87-13 and
3-1676-87-38
P-RC 1228

- DECISION
 LETTER DECISION
 PRE-REVIEW REFERRAL

April 21, 1988

PHIL G. DAMASK, Company Member
General Construction
Joint Grievance Committee

BARRY J. HUMPHREY, Union Member
General Construction
Joint Grievance Committee

Subject of the Grievance

Improper layoff of Materialsman and Field Clerks.

Facts of the Case (87-13)

The Union filed a grievance on January 30, 1987 alleging the Company improperly laid off Materialsman employees while retaining agency employees performing similar work.

The Local Investigating Committee (LIC) and subsequent discussions by members of the Pre-Review Committee (P-RC) established that numerous (approximately eight) agency employees were being utilized in the General Construction operated Warehouse "B" at Diablo Canyon during the time frame these Company employees were laid off.

Facts of the Case (87-38)

On or about February 24, 1987, General Construction laid off four Routine Field Clerks at various locations around the system.

The Union filed a grievance on March 2, 1987 alleging the improper layoff of these Field Clerks since General Construction was continuing to utilize agency employees to perform similar duties at Diablo Canyon.

The Local Investigating Committee agreed that agency employees were being utilized as previously mentioned.

Discussion and Decision (87-13)

In discussion of this case, it was determined that General Construction had its own warehouse staffed primarily with agency employees until July 1987. The agency employees were then shifted to a Nuclear Power Generation contract but continued to work in the General Construction warehouse under General Construction control.

April 21, 1988

The Company wants to point out that, in their opinion, if the agency employees assigned to this warehouse had been historically a non-General Construction contract and further had the warehouse not been supervised by General Construction, no violation would have occurred. Union agreed that had the warehouse in question been under the control and direction of Diablo Canyon Power Plant rather than General Construction Department at a time while G.C. employees were being laid off, there would have been no violation of the Agreement by the General Construction Department. However, had the warehouse been under the control and direction of the Plant and had there been a lack of work in the Region/Division, Union would have alleged a violation of the Agreement.

Further, it is the understanding of the Committee that those employees that were laid off were subsequently rehired in June, 1987.

The P-RC agreed that it was a violation in this case to lay off Company employees while retaining agency employees based upon a review of Arbitration Case No. 142 and the language in Section 2.1 of the Physical Agreement.

The Committee agrees that the grievants should receive back pay less outside earnings for their layoff period and that service and benefits be bridged to their original service date.

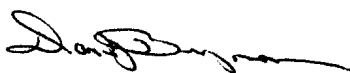
Discussion and Decision (87-38)

The P-RC reviewed the facts of the case and Arbitration Case 142 Implementation Agreement.

The Committee agreed that it was inappropriate for General Construction to lay off these employees while it was utilizing agency employees elsewhere performing similar type work.

Further the Committee agrees to resolve this grievance by reinstating the grievants with back pay less outside earnings, with bridged service and benefits.

Based on the foregoing, these cases are closed, and such closures should be noted in the minutes of the Joint Grievance Committee.


DAVID J. BERGMAN, Chairman
Review Committee


ROGER W. STALCUP, Secretary
Review Committee

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