

301.3(a) Residence definition, for GC per diem entitlement.



REVIEW COMMITTEE

IBEW



PACIFIC GAS AND ELECTRIC COMPANY
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**CASE CLOSED
LOGGED AND FILED**

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INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W.
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R.W. STALCUP, SECRETARY

D.J. BERGMAN, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

General Construction Grievance No. 3-1933-89-38
P-RC 1367

BYRON TOMLINSON, Chairman
General Construction
Joint Grievance Committee

BARRY HUMPHREY, Chairman
General Construction
Joint Grievance Committee

GRIEVANCE ISSUE: Company allegedly failed to recognize a change in residence area for per diem eligibility.

FACTS OF THE CASE:

The grievant sold his residence and purchased property in another area. Upon the sale and purchase, the grievant asked for guidance in filing his new residence certificate from his supervisor. The grievant did not have a structure on the property. The grievant was living in his motorhome which was at the property on the weekends and near the job site during the week. The grievant was in the process of making the necessary improvements to the property to construct a home.

The Company denied the grievant's claim that the vacant lot was his new residence declaring that it is not a principal place of abode as required in the Agreement. Subsequent to the denial, the grievant has made improvements to the property, and has his motorhome on the property a majority of the time, and the Company has accepted his residence certificate.

DISCUSSION AND DISPOSITION:

The Committee discussed this case and tried to narrowly define principal place of abode. In this case, however, since the Company now recognizes the residence as the grievant's principal place of abode and this issue raised in this grievance occurs rarely, the Committee agreed to the following. The Company will accept the grievant's change of residence effective the date that it was originally filed and will make whatever adjustments to per diem payments that are necessary.

This case is closed without prejudice to either parties' position.

DAVID J. BERGMAN, Chairman
Review Committee

ROGER W. STALCUP, Secretary
Review Committee

JAMoffat(223-5983):mc