

2.1 -Recognition:
Claim of jt employer
status unfounded.



REVIEW COMMITTEE

IBEW



PACIFIC GAS AND ELECTRIC COMPANY
201 MISSION STREET, 1513A
SAN FRANCISCO, CALIFORNIA 94105
(415) 973-1125

NOV - 3 1992

**CASE CLOSED
LOGGED AND FILED**

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

RECEIVED OCT 16 1992

Pre-Review Committee File No. 1585
ENCON Grievance No. 3-2296-92-02

September 21, 1992

KEN LEWIS
Chairman, ENCON
Joint Grievance Committee

BARRY HUMPHREY
Chairman, ENCON
Joint Grievance Committee

Grievance Issue:

Company has allegedly established a joint employer relationship with a contractor.

Facts of the Case:

The Company has been contracting with a repair shop to perform maintenance and repair on Company equipment. The equipment was normally hauled to the shop to be worked on.

This contractor did perform maintenance and repair for a 45-day period in the field on equipment. This contractor set his own work hours, selected his own employees, provided his own tools and charged a flat hourly wage plus parts.

On two occasions, the contractor worked with Company mechanics. Once he helped install a transfer case and on a second occasion asked for help to remove a transmission and transfer case.

Union argued that this case violated the decision in Arbitration 128, 142 and 184 as well as Review Committee Decision 1637; that the Company established a joint employer relationship.

Discussion:

Company argued that a joint employer relationship did not exist other than two occasions where the contractor and Company employees worked together; that the contracting was for peak load and did not continue once the project was completed.

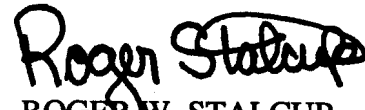
Decision

It was determined that the contracting was not to the detriment of the Unit; that the Fleet Management Department has not been reduced but, in fact, added three Apprentice Mechanics. Company did agree that on those two specific incidents, the Company will pay the equivalent in dues to the Union for the period that the contractor and Company employees worked together.

This case is closed as per the above adjustment.



DAVID J. BERGMAN
Chairman
Review Committee



ROGER W. STALCUP
Secretary
Review Committee

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