



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

D.J. BERGMAN, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

REVIEW COMMITTEE

NOV - 4 1992

**CASE CLOSED
 LOGGED AND FILED**

RECEIVED OCT 16 1992

September 16, 1992

ENCON (General Construction) Grievance 3-22 97-92-03
 Pre-Review Committee No. 1587

KEN LEWIS, Chairman
 ENCON
 Joint Grievance Committee

BARRY HUMPHREY, Chairman
 ENCON
 Joint Grievance Committee

2.1 -Recognition
 306.1 -Layoff

Contracting work shortly
 after layoff inappropriate.
 6 Util
 Wrkrs pd.

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

Subject of the Grievance:

This case concerns the retention of contractor helpers after casual Utility Workers were laid off.

Facts of the Case:

Six Utility Workers in the Gas Department were laid off prior to December 21, 1991 at which time contracting was also suspended. The contracting resumed on January 4, 1992; however, Utility Workers were not immediately rehired. Company and Union agreed that the six affected Utility Workers had no contractual rights to rehire.

Discussion and Decision

Union opined that in accordance with the decisions in Arbitration Cases 128 and 142, the Company cannot layoff bargaining unit employees while contracting work with contractors using the same affected classifications.

Company stated that the decision in P-RC 1554 already recognized that a joint employer relationship existed with this contractor and agreed to a remedy under the provisions of RC 1637. Therefore, to retain the Utility Workers and use them in conjunction with the contracting crews would have further exacerbated this error.

P-RC 1587

Page 2

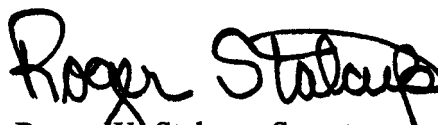
September 16, 1992

Because the decisions mentioned above support the Union's position, the Company agrees to pay the six affected Utility Workers from the date they were laid off up to December 21, 1991, and from January 4, 1992 until six Utility Workers were rehired.

This case is considered closed and should be so noted in the minutes of the Joint Grievance Committee.



David J. Bergman, Chairman
Review Committee



Roger W. Stalcup, Secretary
Review Committee