

2.1 -Recognition. Co.  
created joint employer  
relationship w/ contract  
crew.



## REVIEW COMMITTEE

**IBEW**



FEB 22 1993

**CASE CLOSED  
LOGGED AND FILED**

**RECEIVED FEB - 8 1993**

January 21, 1993

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

INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS, AFL-CIO  
LOCAL UNION 1245, I.B.E.W.  
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WALNUT CREEK, CALIFORNIA 94596  
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R.W. STALCUP, SECRETARY

D.J. BERGMAN, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

Pre-Review Committee File No. 1624  
ENCON Grievance No. 3-2330-92-36

**KEN LEWIS, Chairman**  
ENCON  
Joint Grievance Committee

**BARRY HUMPHREY, Chairman**  
ENCON  
Joint Grievance Committee

### Grievance Issue:

The Company alleged improperly assigned a contractor work on a Gas T&D job.

### Facts of the Case:

A Gas T&D crew was assigned the work to install 700 feet of 2-inch gas pipeline. The job was to insert and connect services. The Company contracted the directional boring portion of the job. The work was contracted because the Company did not have the equipment available to meet the schedule. The contractor was on the job for five days.

The exempt foreman testified that he told the Working Foreman not to co-mingle his crews with the contractor's; that the contractor was to use his own tools; that the contractor was to open his own excavations; that only if the contractor runs into trouble, give his assistance.

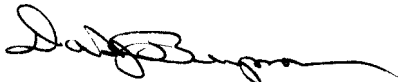
The Working Foreman testified that the contractor did not have the necessary tools to do the job; that the Company crew dug all the holes; that crew also helped the contractor out of trouble, and he was told to give the contractor all the assistance they needed. The Working Foreman was the sole contact on the jobsite for the contractor and the contractor would come to him for information and guidance.

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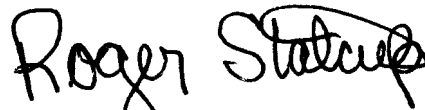
Discussion and Disposition:

The Company crew working along side the Contractor did perform work with and for the contractor beyond the scope of what the exempt foreman expected. The responsibility rested with the Working Foreman to run his crew as well as being the Company contact for the contractor. The Working Foreman, in his opinion, did what he needed to do to get the job done. This effort, however, resulted in the Company and the contractor working as one crew.

The Company agrees, given the facts in this case, that the Company crew and the contractor did not work independently and agrees to cease and desist the co-mingling that occurred in this case. This case is closed without further adjustment.



DAVID J. BERGMAN  
Chairman  
Review Committee



ROGER W. STALCUP  
Secretary  
Review Committee

JAM