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MEMORANDUM OF DISPOSITION

Steam Generation Grievance No. CON-94-19
Fact Finding Committee No. 5685-94-134
Pre-Review Committee File No. 1767

CASE CLOSED
FILED & LOGGED

SUBJECT:

The above referenced grievance was referred to the Review Committee as part of RC File No. 1765. The Review Committee established an Ad Hoc Committee to settle these cases at the Fact Finding level. The issue is the intent of contracting under Letter Agreement 88-104 as it applies to Steam Generation maintenance overhauls.

DISCUSSION:

The Fact Finding Committee consisting of Ken Ball, Sr. Business Representative and Carol Pound, Sr. Labor Relations Representative met on several occasions to discuss the facts of the RC 1765 cases. This case includes six types of contracts that were let by Pittsburg Power Plant throughout 1993 and 1994. As of 4th quarter 1993, the plant was below the Letter Agreement 88-104 established floor numbers in the mechanical, technical and electrical maintenance departments. There is no indication that any of the contracts were related to planned maintenance overhauls.

The Company's position at LIC in all six cases is that the work has historically been contracted out at Pittsburg Power Plant, and/or that the work doesn't fall within the job definitions of Steam Generation bargaining unit classifications. Union's position is that, in all cases, there are IBEW classifications in the Company that have and can perform the work in question, therefore Company is in violation of 88-104.

The Committee reviewed the LIC report to attempt to determine whether the work contracted out was work normally performed by the bargaining unit. The audit and inspection of fire equipment performed by Advanced Fire & Safety (AFT) was contracted out. The LIC report indicates that prior to January 1993, operations department employees performed this work.

New construction work was performed by Hanburg/Adobe House. The Committee noted that this is work normally performed by Title 300 employees.

The LIC report indicates that an electrical contractor is used for work within the office areas of the plant, but not within plant operating areas. "Miscellaneous electrical work" was also contracted out, but not defined. The Committee noted that the installation of lighting fixtures is performed by electrician classifications in other departments.

The LIC report shows that the erection of scaffolding is work normally performed by plant employees. At Pittsburg, however, scaffolding work over 2 stories is contracted out "when the job dictates it due to the plants lack of adequate equipment or resources."

The LIC report indicates that plant bargaining unit employees have performed incidental plumbing repair work in the past but have not wanted to prior to this contracting. It is unclear what the practice is each time there is work to be done.

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DECISION:

The Committee agreed that many of the job duties contracted out are normally performed by employees in IBEW classifications, although not necessarily by employees in the plant maintenance departments in question. Since the contracts involved in this case were not related to a maintenance overhaul, there may be liability under Letter Agreement 88-104. However, there is insufficient information to determine whether a liability exists, including which department is in question (mechanical, technical or electrical maintenance). Therefore, the Committee remands these issues back to the LIC to determine if all efforts were made to use qualified Company resources, including optimum use of voluntary overtime and consideration of General Construction personnel in accordance with 207.2(a) of the Agreement. If a liability is determined, the LIC shall settle in accordance with Pre-Review Committee cases 1284, 1515, and the P-RC cases associated with Arbitration 199 (specifically P-RC 1578 and P-RC 1934).

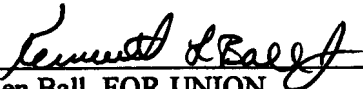
This case is closed on the basis of the above understanding.

SIGNATURES:



Carol Pound, FOR COMPANY

Concur/Dissent 10-25-96
DATE



Ken Ball, FOR UNION

Concur/Dissent 1-22-96
DATE