



REVIEW COMMITTEE

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**CASE CLOSED
FILED & LOGGED**

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

MARGARET A. SHORT, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

North Valley Grievance No. CHI-94-16
Fact Finding Committee No. 5680-94-129
Pre-Review Committee File No. 1798

Molly Williams
Company Member
Local Investigating Committee

Mickey Harrington
Union Member
Local Investigating Committee

Subject of the Grievance

This grievance concerns the bypass of Hydro Maintenance Department employees for an emergency overtime assignment to install a temporary pump at Pit 3 Powerhouse.

Facts of the Case

On Friday, February 4, 1994 a portable electric pump was installed, on straight time, at Pit 3 Powerhouse by an Operator. The following day, Saturday, February 5, the pump failed and the Maintenance Supervisor instructed the Operator to call out an Electrician to purchase and install a new pump. At that time, the Supervisor did not believe that the Maintenance Department had any additional pumps available. The three Electricians on the 212 list were called but none were available. A Roving Operator, working on straight time, was sent to purchase a pump at a hardware store but none were available.

The following day, Sunday, February 6, the leak became worse and the Maintenance Supervisor, still believing that the Maintenance Department had no available pumps, instructed the Operator to call out a Water Department employee. A Water Systems Repairman was contacted and he requested, and was granted, a Utility Worker to assist with the pump. These two employees brought a Water Department pump and installed it. The job took approximately 4 hours. It was later determined that the Maintenance Department had pumps available.

The following day, February 7, the Shop Steward requested that two Maintenance Department employees who signed the 212 list be paid bypass pay. The Supervisor offered to pay one Maintenance Department employee 4 hours, inasmuch as the work could have been accomplished by one employee. The Steward declined the offer and the incident was grieved.

Discussion

The Committee discussed whether or not the Company was obligated to attempt to contact the grievants a second time during the weekend period. Section 212.3 provides that the Company is only obligated to make an attempt to contact an employee a single time during an emergency period. The question in this case is whether the weekend is considered to be one emergency period. As the Agreement is silent on this, the determination is usually based on how Subsection 212.2(c)(3) has been administered at the local headquarters. Lacking a local written agreement on this, the local practice at the headquarters should prevail. It did not appear as if there was a clear practice at the headquarters.

Decision

The Committee agreed that inasmuch as the local practice with respect to whether a weekend period is to be considered as a single "incident" is unclear, it was appropriate for the Supervisor to offer to pay the first hydro maintenance employee who signed the 212 list 4 hours of bypass pay. The Committee agreed that it is not appropriate to pay the second hydro maintenance employee on the 212 list, even though two Water Department employees performed the work on overtime. This is because the work would normally require only one employee and the second Water Department employee, a Utility Worker, was only provided due to the request of the first employee who was called out.

The first hydro maintenance employee on the 212 list should be paid four hours at the 1994 overtime rate.

On that basis, this grievance is considered closed.

Margaret A. Short
Margaret A. Short, Chairman
Review Committee

Roger W. Stalcup
Roger W. Stalcup, Secretary
Review Committee

12/22/95
Date

12/21/95
Date