

2.1: Use of contractor at issue in this case determined in prior cases to be joint employer; insufficient info. to answer OT issue.



REVIEW COMMITTEE

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IBEW



PACIFIC GAS AND ELECTRIC COMPANY
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P.O. BOX 770000
SAN FRANCISCO, CALIFORNIA 94177
(415) 973-8510

**CASE CLOSED
FILED & LOGGED**

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W
P.O. BOX 4790
WALNUT CREEK, CALIFORNIA 94596
(510) 933-6060
R.W. STALCUP, SECRETARY

MARGARET A. SHORT, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

Sierra Grievance No. AUB-93-07-300
Fact Finding Committee No. 5816-94-265
Pre-Review Committee File No. 1888

MARIAN HAKATA
Company Member
Local Investigating Committee

PHIL CARTER
Union Member
Local Investigating Committee

Facts of the Case:

This case concerns the use of Bay Western contractors to perform bargaining unit work to on the El Dorado Canal project near Fresh Pond to Bay Western. The Union alleges the company engaged in a joint employer relationship in violation of Review Committee Decision 1637 and also that company denied overtime to bargaining unit employees on Sunday September 19, 1993.

Discussion:

The Pre-Review Committee noted that the proper utilization of contractors in this department has been the subject of grievances in the past that were resolved at a precedential level. With respect to the overtime issue, the record is insufficient to tell whether the work performed by the contractor on September 19, 1993 was not work that would have been assigned to the bargaining unit employees.

Decision:

The Pre-Review Committee is returning this case to the Local Investigating Committee to attempt to resolve giving consideration to RC 1637, RC 1777, P-RC 1887 and P-RC 1968, and all applicable sections of the labor agreement. When a settlement is reached, please forward a copy of the decision to the Pre-Review Committee, which will retain jurisdiction if the LIC is unable to settle.

This case is removed from the Pre-Review Committee agenda.

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

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

12/19/95
Date

12/19/95
Date

Memorandum

Date: April 12, 1996
To: INDUSTRIAL RELATIONS
From: AUBURN HUMAN RESOURCES
Subject: Sierra Grievance #AUB-93-07-300
Fact Finding Committee #5816-94-265
Pre-Review Committee File #1888

File #:

MGB	DJB	JAM	SAR	SID	MAH
MAS	INDUSTRIAL RELATIONS				BKW
SSE	APR 17 1996				JBT
GAS					DMG
CXC	JDS	CLP	WXP		
SEQ	LAS	BAT	DCV	RTN	
	KB	NKJ	ECM	FILE	



M. A. SHORT:

In accordance with the Pre-Review Committee decision referenced above, attached is the signed Local Investigating Committee settlement.

The Fresh Pond headquarters was closed in December 1993 and the LIC was unable to obtain additional employee or overtime information. It was therefore mutually agreed that this grievance is moot and this case is closed without prejudice.


MARION HAKATA

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MH:jag

CASE CLOSED
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cc: Phil Carter
Doug Veader

Attachment

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SIERRA DIVISION GRIEVANCE NUMBER AUB-93-07-300

CASE CLOSED
FILED & LOGGED

Subject

This grievance alleges that the Company is acting as a joint employer in its dealings with Bay Western in work contracted on the El Dorado Canal project near Fresh Pond and also that overtime was denied to bargaining unit employees on Sunday, September 19, 1993.

Discussion

The Pre-Review Committee returned this case to the Local Investigating Committee to resolve. The LIC was unable to obtain any information that would settle the overtime issue. Furthermore, the LIC agrees that since the Bay Western Contract work was completed over 2 years ago and there is no Fresh Pond Headquarters because it closed in December, 1993 that this grievance is moot.

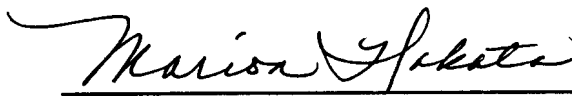
Decision

This case is closed without prejudice.



Phil Carter, Business Representative

4/10/96
(Date)



Marion Hakata, Human Resources Advisor

4/4/96
(Date)