



REVIEW COMMITTEE

IBEW



PACIFIC GAS AND ELECTRIC COMPANY
201 MISSION STREET, ROOM 1508
MAIL CODE P15B
P.O. BOX 770000
SAN FRANCISCO, CALIFORNIA 94177
(415) 973-8510

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**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

Sacramento Division Grievance No. SAC-95-29
Fact Finding Committee No.
Pre-Review Committee File No. 1984

MELISSA MONTOYA
Company Member
Local Investigating Committee

ENID BIDOU
Union Member
Local Investigating Committee

Subject of the Grievance

Union filed a grievance stating, "Company has taken the position that if an employee requests Thursday and Friday of one week, and Monday, Tuesday and Wednesday of the next week, they have used their first and second choices of vacation."

Facts of the Case

The LIC report states the respective positions of the parties, but does not give facts such as: what gave rise to the grievance, whether any specific employees were impacted, whether there is any operational reason for the manner in which company has decided to administer vacation sign-up.

The Scheduler for the Sacramento Call Center stated:

"If employee's schedule is from Monday through Friday, and the vacation requested starts on a Monday, this is considered one choice, regardless of how long the vacation is and when it ends. The starting day of the vacation must coincide with the first day of the employee's workweek. If the employee's requested vacation starts in the middle of the workweek, and extends into the following week, this would be considered two vacation requests."

Company cites Section 8.12 of the Clerical Agreement as the basis for this interpretation.

The Union believes that regardless of when the employee's vacation starts, as long as the vacation days are consecutive, this should be considered as one choice only. Union states that the procedure followed at the Sacramento Call Center is not the way vacation scheduling has been done in the past.

There is no offering of evidence to support this statement about past practice or whether it occurred at this location or before the establishment of the Call Centers in the local Customer Services offices. It is noted by the Committee, however, that local management did not deny the existence of a past practice as claimed by Union.

Discussion

At the outset, the Pre-Review Committee notes that Section 8.12 of the Agreement provides that any employee who signs up for one week or more of vacation shall begin that vacation on the first day of that employee's basic workweek and that pursuant to Subsection 8.13 (2) Company has the right to limit the number of employees or classifications that may be on vacation at any given time.

Union argued that since vacation can be taken in increments of less than a full week, the situation of beginning a vacation of the first day in the basic workweek, i.e. Monday, and continuing into the middle of the following week is likely, particularly within the second full year of employment for new employees and with part-time employees who earn vacation in less than full week increments. Under Company's policy this would be acceptable and count as one vacation period. However, another employee taking the exact same number of days but starting mid-week and continuing until the middle or end of the following week would have to accomplish this time off by two rounds of sign-ups as this would be considered two vacation periods.

As long as company allows employees to begin their vacation on other than the first day in the basic workweek, and absent any showing of operational impact coupled with the ability to limit the number of employees off, it would seem that consecutive days scheduled on one sign-up pass should be considered one vacation period.

A vacation period is not specifically defined in the contract, however, under the terms of this agreement it may range from a minimum of 1/2 day off to maximum of all of an employee's vacation entitlement depending on what the employee signs-up for on one sign-up pass.

Decision

It is recommended that management and employees at the Sacramento Call Center discuss vacation arrangements in light of the foregoing. This case is closed.

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

3/6/96

Date

Roger Stalcup
Roger W. Stalcup, Secretary
Review Committee

3/6/96

Date