



REVIEW COMMITTEE



IBEW

PACIFIC GAS AND ELECTRIC COMPANY
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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

**Fresno Grievance No. FRO-95-57
Fact Finding No. 6335-96-046**

**Fresno Grievance No. FRO-95-87
Fact Finding No. 6336-96-047**

**Fresno Grievance No. FRO-95-88
Fact Finding No. 6337-96-048
Pre-Review Committee No. 2096**

BETSY GRIFFITH
Company Member
Local Investigating Committee

JIM LYNN
Union Member
Local Investigating Committee

Subject of Grievances

The subject of all three (3) of these grievances concerns the issue of whether intermittent employees at Balch Camp Powerhouse and Helms Powerhouse should have attained regular status. The Union contends that the Company deliberately arranged the employees work schedules to prevent the grievants from attaining regular status.

Facts

The grievants in these cases are all intermittent employees and include one Routine Hydro Clerk (Alferes) and three Housekeepers (Barker, Smith, and Mascherini) at Balch Camp and one Cook (Cano) and three Housekeepers (Lipe, Jadot, and Pearson) at Helms.

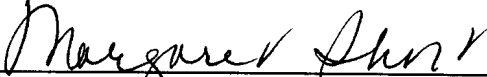
The relevant contractual language in this case is Section 106.7(b) of the Physical Labor Agreement, which states "Intermittent employees will attain regular status upon the completion of six months of continuous service. Continuous service is defined in Section 106.5 as being uninterrupted by (1) discharge, (2) resignation, or (3) absence for more than a cumulative total of 30 days due to (i) layoff, (ii) sickness or industrial disability, or (iii) other causes. If an employee is off for more than 30 days during a six-month period, a new six month qualifying period will begin upon return to work."

At the outset, the P-RC finds that none of the grievants met the conditions of Section 106.5 to qualify for regular status. The issue facing the Committee, however, is whether the Company intentionally prevented the grievants from obtaining regular status by working them up to the verge of regular status before "breaking" them for 30 days. In PRC 141, The parties previously agreed that it is not appropriate to work intermittent employees on a regular schedule and then lay them off in order to prevent attainment of regular status.

The Committee spent considerable time reviewing the time records of the grievants. The Company Committee members opined that a violation does not exist simply because an employee works all but 30 days in a six month period. Rather, the record must support that the Company manipulated the situation over substantial period of time. The Committee learned that grievant Alferes has been awarded a regular full-time position and has obtained regular status. The Committee concluded that grievants Mascherini (Hire Date 8/12/91) and Cano (Hire Date 1/15/91) were prevented from obtaining regular. Consistent with P-RC 141, the Committee agrees to grant these grievants regular status.

DECISION

Company agrees to grant grievants Mascherini and Cano regular status effective 11/18/95 (30 days prior to the filing of the grievance). This case is considered closed without prejudice.



Margaret A Short, Chairman
Review Committee

1/23/98

Date



Roger W. Stalcup, Secretary
Review Committee

1/23/98

Date