



REVIEW COMMITTEE

IBEW



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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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WALNUT CREEK, CALIFORNIA 94596
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R.W. STALCUP, SECRETARY

MARGARET A. SHORT, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

**Sierra Division Grievance No. AUB-96-17
Fact Finding File No. 6446-96-157
Pre-Review Committee Case No. 2111**

MARION HAKATA
Company Member
Local Investigating Committee

PHIL CARTER
Union Member
Local Investigating Committee

Subject

This case concerns the appropriate rate of pay for an employee hired into an intermittent Service Representative position.

Facts of Case

The grievant was hired as an intermittent Service Representative in Placerville on October 30, 1995. He was placed at the beginning wage step of the Service Representative classification. Approximately two years earlier, the grievant had retired as a Senior Service Representative after 31 1/2 years with the Company.

Discussion

At the earlier stages of the grievance procedure, the Union had argued that the grievant should have been hired at either the 24 month step or the top of the rate, based on his previous years experience as a Service Representative and Senior Service Representative. The Union cited the Clerical Hiring Rate Guidelines contained in Exhibit A which state, in part, "An employee, other than Utility Clerk, with 2 years or more directly related clerical experience, shall be hired at the 24-month rate of pay for the applicable clerical classification".

The Company argued that the Clerical Hiring Rate Guidelines are only applicable to certain entry level classifications, not above entry classifications. The introductory language Clerical Wage and Classification Agreement, Note 6 (page 99 of the Clerical Agreement) preceding the Clerical Hiring Rate Guidelines clarifies this as it states "Revise entry starting rate guidelines as outlined below". The "other than Utility Clerk" classifications referred to

are certain other entry level classifications (i.e. Data Entry Operator and Computer Operator III). The Committee noted that the Clerical Hiring Rate Guidelines were last revised when Exhibit A was updated in a booklet dated June 22, 1989. In the previous Exhibit A, undated in a booklet dated January 23, 1987, the Guidelines referenced only the Utility Clerk classification, stating an experienced employee hired was to receive job experience credit at five levels of the Utility Clerk wage rate. A review of Exhibit F - Wages for periods prior to June 22, 1989 demonstrate that in fact the job experience factor was applied to several entry level clerical classifications other than Utility Clerk (e.g. Data Entry Operator, Computer Operator III). A further review of Exhibit F - Wages for all periods following the June 22, 1989 update of Exhibit A also include notes identifying each specific classification to which the job experience credit may be applied. Those classifications following the amendments to Exhibit A are the same classifications as were listed in Exhibit F prior to the update.

Based on this review and analysis, the Pre-Review Committee concluded that the Parties did not intend to modify the Clerical Hiring Rate Guidelines so that they applied to all classifications in the Clerical Bargaining Unit, but continued to apply only to selected entry level classifications, which continued to reflect a note referencing the Guidelines where each classification wage rate appeared in Exhibit F.

The footnotes contained in Exhibit F (Wage Rates) further support that the hiring guidelines do not apply to above entry classifications. Immediately following the wage schedules for certain entry level classifications a notation regarding hiring rates. This language mirrors that found in Exhibit A, and does not follow the wage schedules for any above entry classifications is a notation regarding hiring rates.

Decision

The Pre-Review Committee is in agreement that the Clerical Hiring Rate Guidelines do not apply to above entry classifications; that they apply only to those entry level classifications which carry the note referencing the Guidelines following the wage rate in Exhibit F. As such, it was not a violation of the Agreement to hire the grievant at the starting rate of the Service Representative classification.

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

8/12/97
 Date

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

8/12/97
 Date