



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

RECEIVED FEB 26 1996

**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-97-24
Sacramento Division Grievance No. SAC-97-25
Fact Finding No 6575-97-106
Fact Finding No.6576-97-107
Pre-Review Committee No. 2132**

JAYNE ROCCI-SMITH
Company Member
Local Investigating Committee

WAYNE GREER
Union Member
Local Investigating Committee

Subject

This case concerns the conversion of existing hiring hall Gas Service Representatives (GSRs) from full-time to part-time status.

Facts

On May 15, 1997, three hiring hall GSRs headquartered in Woodland were converted from full-time to part-time status. On June 9, 1997, two hiring hall GSRs headquartered in Vacaville were converted from full-time to part-time status. The five employees had been given the option of converting to part-time status or returning to the hiring hall.

Discussion

The Union argued that it is inappropriate to convert an existing hiring hall employee from full-time to part-time. The correct procedure is to request a part-time employee from the hall and return the full time employee. The Union argued that the grievants should be paid for anything less than a 40 hour week.

The Company pointed out that the employees were not forced to work a part-time schedule. They were given the option of returning to the hall and awaiting dispatch to another full-time assignment or perhaps dispatch to the part-time assignments at their current headquarters. Had the Company followed the now understood procedure, the employees would not have been offered the option to stay in their current headquarters and work part-time. In effect, the employees received more than they were entitled to.

The Company also argued that the parties had not agreed to a procedure for converting from full-time hiring hall needs to part-time needs until the Hiring Hall Overview Committee meeting of July 29, 1997. The minutes of this meeting, which were distributed on August 5, 1997, stated in part "The parties again discussed the requirement that part-time employment must be specifically requested through the Union's hiring hall by PG&E while it is inappropriate to assign full-time employees to a part-time schedule."

The Committee discussed the word "again" in the minutes. The Union maintained that the minutes were simply a restatement of an already understood procedure. The Company pointed out that none of the previous minutes reflect any discussion on the subject. The Company maintained that while the parties had discussed part-time hiring hall employees in the past, the July 29, 1997 meeting was the first time an understanding had been reached and communicated.

Given the Hiring Hall Overview Committee minutes of July 29, 1997, the Pre-Review Committee concludes that it is clearly inappropriate to assign full-time hiring hall employees to a part-time schedule. The difficult issue in this grievance is that of remedy. The Company believes that a "cease and desist" remedy is appropriate given that (1) the employees were provided the option of returning to the hall, and (2) the first communication of the correct procedure was distributed after the conversions had occurred. The Union believes a "make whole" monetary remedy is appropriate given that (1) the employees were denied the opportunity to work full-time and (2) the minutes of July 29, 1997 reiterate a previously existing understanding.

DECISION

After much discussion, the Pre-Review Committee agreed on the following equity settlement. Given that the minutes outlining the inappropriateness of assigning full-time hiring hall employees to part-time were distributed on August 5, 1997, the Company should have acted upon that information at that time. This is especially true, given that the first step grievance discussions took place on August 4, 1997. By this time, three of the grievants had been returned to the hall or resigned. The remaining two grievants worked part-time until they were returned to full-time status on August 22, 1997. These two remaining grievants shall be paid the difference between full-time pay and their actual pay for the period of August 6, 1997 through August 21, 1997.

This case is considered closed on the above basis and without prejudice.

Margaret A. Short

Margaret A. Short, Chairman
Review Committee

2/25/98

Date

Roger W. Stalcup

Roger W. Stalcup, Secretary
Review Committee

2/25/98

Date