



**Pacific Gas and  
Electric Company**

## REVIEW COMMITTEE

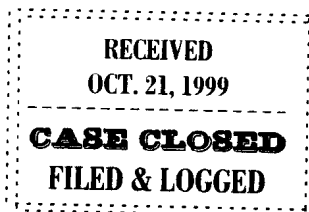


**IBEW**

PACIFIC GAS AND ELECTRIC COMPANY  
2850 SHADELANDS DRIVE, SUITE 100  
WALNUT CREEK, CALIFORNIA 94598  
(510) 974-4282

MARGARET A. SHORT, CHAIRMAN

- ☐ DECISION
- ☐ LETTER DECISION
- ☐ PRE-REVIEW REFERRAL



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  
PERRY ZIMMERMAN, SECRETARY

San Francisco Division Grievance No. SFO-97-42  
Fact Finding No. 6759-98-134  
Pre-Review Committee No. 2191

ARLENE LEE  
Compnay Member  
Local Investigating Committee

HUNTER STERN  
Union Member  
Local Investigating Committee

### Subject of the Grievance

This case concerns the utilization of a part-time San Francisco Service Representative perform Service Rep and Team Lead (exempt) duties all in the same day.

### Facts of the Case

The grievant in this case is Local 1245, not the Service Rep. The correction requested is to cease and desist management performing bargaining unit work.

The part-time Service Rep was regularly scheduled to work 9:30 a.m. to 1:30 p.m. (no lunch) Monday, Wednesday, Thursday, and Friday. Tuesday was a non-scheduled day. On a Tuesday, the employee was scheduled to work as a Team Lead from 8 a.m. to 5 p.m. Sometime prior to 2:50 p.m. she took a one hour lunch break. Upon her return at 2:50 p.m. she worked as and was paid as a Service Rep taking customer phone calls. At 3:48 p.m. she was again upgraded to and paid as a Team Lead. From 5 p.m. to 5:30 p.m. she worked as and was paid the overtime rate of Service Rep. again taking calls.

From 2:30 p.m. to 3:00 p.m. there were 571 calls received with an ASA (average speed of answer) of two minutes and 47 seconds. The PUC required ASA is 19 seconds. Between 4 p.m. and 4:30 p.m., after the SR was returned to Team Lead, 411 calls were received with an ASA of 7 seconds.

The supervisor indicated that a Level 1 emergency is 100-200 calls in queue with an ASA of 15-20 seconds. These situations are usually handled by the staff on hand. However, Level 2 emergencies: 200-300 calls in queue with an ASA of 20-25 seconds require augmentation such as, utilizing Service Rep-Typists, Sr. Service Reps. not usually assigned to the phones, upgrading Utility Clerks, extending hours of PT Service Reps, offering overtime, call-outs. On the date in question, all means were utilized except extending the part-timers and call-outs.

The supervisor indicated that using bargaining unit employees on daily upgrade to Team Lead is a routine occurrence, however, utilizing a Service Rep in the manner at issue in this grievance is rare but has happened on occasion. There are examples in the record that show other employees being upgraded for part of the day and then as Service Rep for several hours for vacation or sick leave or safety meetings. The most extreme example is the individual in this case who was upgraded as a Team Lead 7.75 hours and then downgraded to Service Rep for .25 hours for a safety meeting.

#### Discussion

The Union strongly objected to utilizing an employee in both an exempt and bargaining unit capacity in the same day. They believe that doing so circumvents the overtime provisions and the recognition title. Additionally, it is confusing for the other employees as to whether the person is in an exempt or bargaining unit mode. The Union stated that Company had this employee come in on a non-scheduled day and changed her hours to have her work as a Team Lead and therefore should be precluded from using her intermittently as a Service Rep. The Union agrees it is appropriate to downgrade employees for time away, but believes the upgrades should be for the duration the regular Team Lead is away.

Company agreed with Union that this situation is unusual but that nature of Call Center Operations' work, the fluctuation of customer calls sometimes requires immediate coverage. Calling employees out on overtime meets the need when the volume is sustained but for shorter term workload spikes, utilizing the employees on site is a reasonable approach. Further, Company agreed that wearing multiple hats in a given day could be confusing for the other employees in not knowing whether to refer difficult calls to the "Team Lead" or for other matters normally handled by the Team Lead. However, Company opined there was no contractual violation as the employee was correctly paid for the work performed.

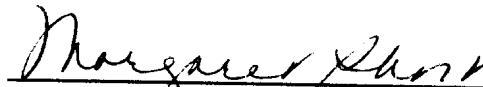
#### DECISION

The PRC agreed that there was no contractual violation. In addition, the PRC agreed that to the extent possible intermittent use of a bargaining unit employee to perform both exempt and bargaining unit work within the same work period should be kept to a minimum.


However, should this be necessary, the overtime payment rules outlined in RC 800 and PRC 698 are applicable. In other words overtime would be required if the Service Rep is required to answer customer calls:

- prior to what would normally be the start of their regular work hours or,
- after working more than eight consecutive hours or,
- on non-workdays or,
- wholly outside of regular work hours on workdays.

This case is closed on the basis of the foregoing.

  
Margaret A. Short, Chairman  
Review Committee

10/21/99  
Date

  
Perry Zimmerman, Secretary  
Review Committee

10-21-99  
Date