



**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

RECEIVED
 SEPT. 10, 1999

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
PERRY ZIMMERMAN, SECRETARY

Steam Generation Case No. MLP-98-01
Fact Finding No. 6837-98-212

Steam Generation No. MLP-98-02
Fact Finding No. 6840-98-215
Pre-Review Committee No. 2222

SHARON ENCALLADO
Company Member
Local Investigating Committee

ED CARUSO
Union Member
Local Investigating Committee

Subject of the Grievances

Grievance 98-01 alleges Company induced the "Bubble" by placing MLPP Clerks in the T-206 Mix, MLPP.

Grievance 98-02 alleges Company is discriminating against MLPP Clerks, grievants, by only giving female workers @ MLPP their T-206 displacement notification.

The correction asked for was to immediately rescind the T-206 notifications. Cease and Desist discriminating.

Facts of the Case

The purchase of Moss Landing Power Plant by Duke Energy was completed July 1, 1998. Under the terms of the sale, specifically the Operations and Maintenance Agreement (O&M), Company is obligated to operate and maintain the sold plant for two years. However, the new owners manage the plant. It is Duke's right to specify the number and mix of classifications to staff the plant. Morro Bay was overstaffed by three clerks and Moss Landing by five clerks. Voluntary Severance was offered to the clerks. Two clerks from Moss Landing took the Voluntary Severance.

Some of the incumbents in the other overstaffed classifications, mainly journeymen, were temporarily assigned to duties at other facilities so that they were removed from the Plants but available should Duke ask for temporary additions. Company believed it was very unlikely that Duke would ask for additional clerical support and therefore, made the decision to issue Title 206 notices and options to the five First Plant Clerks. It is undisputed that the grievants were the least senior First Plant Clerks in their headquarters and their Demotion

Area. At the time of receiving their notices, they were not working at Moss Landing as they were on temporary assignment due to declining workload at MLPP. The grievants were both awarded 206.5 options, their first and second prioritized choices, respectively. The grievants elected to leave the Steam Clerical Line of Progression and return to the Operating Clerical Line of Progression. The three clerks displaced from Morro Bay took positions at Diablo Canyon Power Plant.

Discussion

The Union's charges are serious ones and not to be taken lightly. There has been no demonstration that the decision to issue displacement notices or to make temporary assignment were based on gender discrimination. There were unprecedented changes in the business environment, i.e. the sale of two generating facilities, driving Company's decisions. The implementation of the business decisions was consistent with the provisions of the labor agreement. The grievants were not laid-off, each was assigned to the first prioritized option for which they were qualified, each retained their wage rate for three years, and did not have to relocate their residence to accept their new positions.

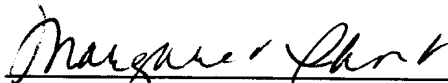
Further, there has been no demonstration that the option packages and subsequent assignments were incorrect or contractually flawed.

Union opined that Arbitration Case 201 addressed only Section 206.6 and did not address the application of Section 206.4 of the displacement procedure with respect to the "bubbling out" of certain options.

Company disagrees with Union's interpretation of Arbitration Case 201 but there is no need to resolve that here. In this case, there is no merit to the Union's argument because all of the grievants 206.6 options were within their Demotion Area. As the grievants were the junior employees in their classification in their Demotion Area (35), they would then receive 206.4 options within their Demotion Unit (12), which includes all of the Steam Generation Power Plants. They were, in fact offered First Plant Clerk positions at Geysers, Humboldt. Because the grievants could not effect a 206.3 demotion in the headquarters, they were also given an in-Area option in a lower classification, Routine Plant Clerk at Diablo Canyon Power Plant. No "bubbling" took place which is a byproduct of the prioritization and awards process, not the option generation process. No job that the grievants prioritized and were qualified for was eliminated from their selection.

Decision

After a thorough review of these cases, the PRC agrees there was no violation of the agreement. These cases are closed without adjustment.



Margaret A. Short, Chairman
Review Committee

9/9/99
Date



Perry Zimmerman, Secretary
Review Committee

9-9-99
Date