



REVIEW COMMITTEE



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INTERNATIONAL BROTHERHOOD OF
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SALIM A. TAMIMI, SECRETARY

MARGARET A. SHORT, CHAIRMAN

DECISION
LETTER DECISION
PRE-REVIEW REFERRAL

Pre-Review Committee No. 13408 Substation Maintenance – Vaca-Dixon Substation

Mary Cogan
Company Member
Local Investigating Committee

Darryl Norris
Union Member
Local Investigating Committee

Subject of the Grievance

This case concerns the jurisdiction of an overtime assignment and the issue of changes to service territory boundaries.

Facts of the Case

An Electrician from Del Mar Substation (in Drum Division) performed overtime work at Brighton Substation (in Sacramento Division). An employee from Vaca-Dixon Substation (Sacramento Division) believed he should have been assigned the work because Brighton resides in Sacramento Division.

According to the LIC Report, Brighton Sub is within the service territory of Del Mar Substation. Although it is in a different division, it has been maintained on straight time and overtime by Del Mar employees at least since 1990. Vaca-Dixon employees have not been responsible for maintaining Brighton for as long as anyone can remember.

Discussion

The Committee agreed that each headquarters has jurisdiction over certain geographic territory, which is referred to as its service territory. The service territory may vary from department to department. Consistent with P-RC 1351, employees from one headquarters may perform work in another headquarter's service territory during regular work hours. Overtime, however, must first be offered to the employees at the headquarters, which supports that service territory.

The Pre-Review Committee is in agreement that there is no violation in this case. The record indicates that Brighton Sub is in the service territory of the Substation Maintenance employees headquartered at Del Mar. In accordance with P-RC 1351, Del Mar Substation Maintenance employees have first crack at the overtime at Brighton.

The Committee turned its attention to the broader issue of changes in service territory boundaries. The Union opined that changes to service territories must be negotiated between the parties. The Company opined that the Company has right, under Section 7.1 to unilaterally change service boundaries.

The Union argued that unilateral changes in service boundaries would usurp employees rights to overtime in locations which have historically been served by those employees. Given the affect such changes would have on the employees' rights to overtime, such changes would require bargaining between the parties.

The Company responded that there is no language in the overtime provisions that give employees the right to work overtime. The language simply provides for a method of equitably distributing overtime among employees in a given classification in a given headquarters. A service boundary change would not change the Company's obligation, or its ability to meet the contractual requirements of equitable distribution.

The Company pointed out that there is no documentation of the parties ever negotiating service territory boundaries. The parties have negotiated geographic territories for purposes of bidding and displacement, but even these territories do not define specific service territories for various headquarters. The Company also pointed out that numerous boundary adjustments have occurred throughout the years. The Union has agreed in the past (RC 1751), that it has acquiesced to boundaries changes within bidding areas. The Company also noted that boundary changes allow the Company to adjust to shifting workload and may reduce the need to impact employees through displacement.

Decision

The Committee agreed that each headquarters has a distinct service territory. The service territory may vary from department to department. Each service territory should be clearly defined (i.e. by routes, circuits, substations, natural boundaries, etc) to avoid confusion over overtime jurisdiction.

Finally, the Committee agreed that while the Company may make unilateral changes to service boundaries, these changes should be communicated upfront with the Union. This will provide the Union the opportunity to meet and confer. The purpose of such meetings is to allow the Union the opportunity to have input to the decision-making process.

Margaret Short

Margaret A. Short, Chairman
Review Committee

8/6/02

Date

Sam Tamimi

Sam Tamimi, Secretary
Review Committee

8-6-02

Date