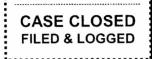


# **REVIEW COMMITTEE**



PACIFIC GAS AND ELECTRIC COMPANY 2850 SHADELANDS DRIVE, SUITE 100 WALNUT CREEK, CALIFORNIA 94598 (925) 974-4282

MARGARET A. SHORT, CHAIRMAN DECISION LETTER DECISION PRE-REVIEW REFERRAL RECEIVED by LU 1245 December 24, 2004



INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, AFL-CIO LOCAL UNION 1245, I.B.E.W. P.O. BOX 2547 VACAVILLE, CALIFORNIA 95696 (707) 452-2700 SALIM A. TAMIMI, SECRETARY

Pre-Review Committee No. 14368 CGT - Kettleman

Kris Picton Company Member Local Investigating Committee Ed Dwyer Union Member Local Investigating Committee

## Subject of the Grievance

This grievance concerns contracted work, allegedly in violation of the optimum overtime provisions of Exhibit XVI.

### Facts of the Case

An IBEW represented employee temporarily upgraded to Project Manager contracted with Mears Services to excavate several locations. When it was brought to his attention that a Notice of Intent to Contract had not been filed, the job was halted until the paperwork was submitted.

The size and location of the excavations was not "work normally performed" by the grievants. In fact their headquarters did not have proper equipment for one of the excavations. Further, the grievants actually were on-site as observers when the contractor completed the work.

Company does agree that this is "work normally performed" by Title 300 employees, however, there were none available at the time to complete this work.

### Discussion

This case is similar to other recently settled CGT grievances in that there is no obligation to assign Title 300 work to Title 200 employees and the Title 200 grievants were actually at the job site for the duration of the contractor's work. There is nothing in the record that indicates the contractor worked overtime on these jobs. So for all practical purposes, the Title 200 employees were assigned this job on straight time, at least, tasks that are within their area of "work normally performed".

### Decision

Given the age of this case, the PRC agrees to close it without adjustment and without prejudice to the position of either party.

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Margaret A. Short, Chairman Review Committee

12-122/04

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Sam Tamimi, Secretary Review Committee

12-22-04

Date