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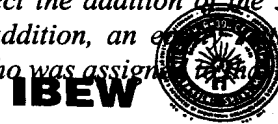
MARGARET A. SHORT, CHAIRMAN
 DECISION
 LETTER DECISION
 PRE-REVIEW REFERRAL

REVIEW COMMITTEE

RECEIVED by LU 1245
 March 11, 2005

**CASE CLOSED
 FILED & LOGGED**

202.8; 601.4: A unilateral change to the SF Gas Svc. Dept. schedule will be implemented by updating the local LA to reflect the addition of the 3rd 4-midnight, M-F shift. In addition, an employee's assignment will be paid to a GSR who was assigned to that shift.



INTERNATIONAL BROTHERHOOD OF
 ELECTRICAL WORKERS, AFL-CIO
 LOCAL UNION 1245, I.B.E.W.
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 VACAVILLE, CALIFORNIA 95696
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 SALIM A. TAMIMI, SECRETARY

**Pre-Review Committee No. 15177
 Customer Field Service – Gas Service – San Francisco**

Kelly Adams
 Company Member
 Local Investigating Committee

Bernard Smallwood
 Union Member
 Local Investigating Committee

Subject of the Grievance

This case concerns a unilateral change to the Gas Service Department schedule in San Francisco.

Facts of the Case

It is the understanding of the PRC committee that a 1:00 p.m. to 9:00 p.m., Monday- Friday, schedule was vacated. Company submitted a requisition to fill a vacant shift, to be determined, and subsequently changed that schedule to a 4:00 p.m. to midnight, Monday – Friday schedule. This change had the effect of increasing the number of Gas Service Representatives (GSRs) on the 4:00 p.m. – midnight schedule from two to three. The new schedule was filled by a bidder new to the Gas Service Representative classification.

Discussion

Title 202 Hours, Subsection 202.8(a) of the Physical Agreement states:

“The workweek of shift employees and service employees shall be regularly scheduled. It may start on any day of the week and at any hour of the day. The five workdays and two non-workdays in the workweek of shift and service employees in any plant or department may be arranged in cycles of one, two or more weeks, provided that any such arrangement shall first be agreed upon by Company and Union.”

The Title 202 “Hours” Labor Agreement Clarification, revised 11/7/89, paragraph I.B. outlines the criteria applicable to service employee schedules which may be adopted or revised by Company without prior agreement. Paragraph I.B.7. states that individual, plant, or department schedules which do not meet the criteria of Paragraph I.B.6. and its subparagraphs “must be agreed upon between Company and Union before being placed into effect.”

The San Francisco Gas Service schedules currently in place do not meet the criteria outlined in the Hours Clarification for service employees and as such, the local parties negotiated the schedules in 1998 via letter of agreement 98-09-BASF. In the grievance at hand, Company added a third 4 to midnight, Monday through Friday schedule. Adding an additional set of hours does not meet any of the scenarios described in paragraph I.B.6. and therefore does not fall within the type of schedule revision that may be implemented unilaterally by Company.

The San Francisco Gas Service local letter of agreement outlines a procedure for filling vacant shifts using a yard seniority system. In an effort to limit the forcing of non-volunteers into a vacated shift, the parties also agreed that Company and Union would meet to discuss each situation as the circumstances arise. According to the LIC report, this obligation was met prior to assigning the new employee to the 4 to midnight shift. The parties discussed the change, but did not negotiate or agree to the change.

In addition to the Hours Clarification, the PRC reviewed the following precedent grievance decisions to try to reach some accord as to whether Company's action required Union agreement: PRC 971 (SF); 277; RC 1454; 1420; 1180; and Letter Agreement 545.

More on point, the PRC reviewed the following local Letters of Agreement for San Francisco Gas Service Department's work schedule: Effective December 28, 1983; November 29, 1984; 95-03; and 98-09.

This grievance was filed on behalf of "all affected", yet only one person was assigned to the additional 4 to midnight schedule. That person was new to the Department and spent several weeks as a GSR on the day shift as well as some time on a leave of absence. Since the local parties met to discuss this change, it appears that the issue has been resolved and this grievance forwarded for interpretation of the Hours Clarification and its provisions and requirements.

Decision

It is the understanding of the Pre-Review Committee that the local letter agreement will be updated to reflect the addition of the third 4-midnight, Monday-Friday shift and on that basis, the parties reached the following equity settlement.

Pay the grievant the half time rate for 3 hours per day (9 p.m. to midnight) for 122 days at top of the GSR scale for 2004 (\$1241.80 per week).

Margaret A. Short
Margaret A. Short, Chairman
Review Committee

3/10/05
Date

Sam Tamimi
Sam Tamimi, Secretary
Review Committee

March-10-05
Date