

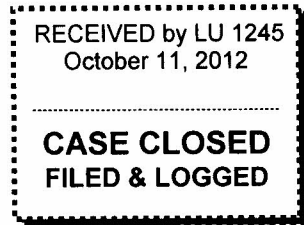


REVIEW COMMITTEE



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DOUG VEADER, CHAIRMAN
 DECISION
 LETTER DECISION
 PRE-REVIEW REFERRAL

F.E. (ED) DWYER Jr, SECRETARY

Pre-Review Committee Number 20315 Electric Operations – Electric T&D - Fresno

Monica Oakes
Company Member
Local Investigating Committee

Mike Grill
Union Member
Local Investigating Committee

Subject of the Grievance

This case concerns the establishment of a Electric T&D 9:30 a.m. to 6:00 p.m. "late crew".

Facts of the Case

The Fresno headquarters has two Electric T&D crews scheduled to work 9:30 a.m. to 6:00 p.m. Each crew has four crew members. The first late crew has been in existence since 1999. The second crew was established in 2010 and is the subject of this grievance.

As of October 10th, 2012 the staffing in the Electric T&D Department in Fresno consists of 8 Electric Crew Foremen, 10 Linemen, 3 Pre-Apprentices, 4 Apprentices, 1 Cable Splicer, and 1 Apprentice Cable Splicer for a total of 27 positions. In addition there are 10 Lineman additional vacancies out to bid, three of which have been awarded and one additional Lineman position unrestricted for a total of 11. Of those 11, 3 were offered as late crew and 1 for the Tuesday through Saturday crew.

Discussion

As a result of the 1976 General Negotiations, Subsection 202.5(a) was added to the Physical Labor Agreement. Under this subsection, the Company may regularly schedule employees in the Electric T&D and Gas T&D departments to work a 9:30 a.m. to 6:00 p.m., Monday through Friday, work schedule. Employees assigned to these schedules are commonly referred to as "late crews".

Subsequent to the inclusion of this language in the Agreement, the parties agreed to a "Letter outlining Intent of Subsection 202.5(a)". In that letter, the Company clarified its intent to adopt such schedules where operational, continuity of service, or other apparent needs

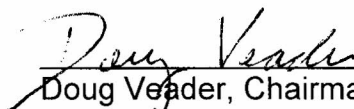
justified such hours. In the letter of intent the Company also agreed that when establishing schedules under 202.5 (a), a substantial majority of the Gas and Electric T&D employees at any headquarters would remain on the regular work hours provided for in Section 202.4. A substantial majority was defined as "approximately two-thirds of the T&D crews and work units in either the Electric or Gas T&D departments".

At issue in this grievance is whether the Company is in compliance with the requirement that a substantial majority of Electric T&D employees at the headquarters continue to be scheduled work hours in accordance with Section 202.4. In determining whether the substantial majority requirement was met, the Committee discussed whether or not vacancies are included.

Decision

In regard to vacancies, the Committee noted that the Letter of Intent requires that once a late crew is implemented, that a substantial majority of employees will continue to be scheduled during the regular work hours provided for in Section 202.4. Given this language, vacancies which the Company intends to fill are counted and those which the Company opts to not fill are not counted.

The Committee agrees that the establishment and the continuation of the Fresno late crews did not violate the agreement. This grievance is closed without adjustment.



Doug Veader, Chairman
Review Committee

10/10/12

Date



F.E. (Ed) Dwyer Jr, Secretary
Review Committee

10/10/2012

Date