



REVIEW COMMITTEE



PACIFIC GAS AND ELECTRIC COMPANY
LABOR RELATIONS DEPARTMENT
MAIL CODE N2Z
P.O. BOX 770000
SAN FRANCISCO, CA 94177
(650) 598-7567

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W.
P.O. BOX 2547
VACAVILLE, CALIFORNIA 94696
(707) 452-2700

DOUG VEADER, CHAIRMAN
DECISION
LETTER DECISION
PRE-REVIEW REFERRAL

F.E. (ED) DWYER Jr, SECRETARY

Pre-Review Committee Numbers 20996, 20997, 20998, 20999, & 21000 Electric Operations – GC Line – Merced

Robin Wix
Company Member
Local Investigating Committee

Mark Rolow
Union Member
Local Investigating Committee

Subject of the Grievance

These cases concern disciplinary action issued to members of a General Construction crew in connection with their bucket truck making contact with a 12KV line. The grievances also ask for payment for potentially missed overtime opportunities while the employees were on crisis suspensions pending the outcome of the investigation.

Facts of the Case

The five person crew was constructing a new tie line. During the day, the scope of the job changed as the task of removing the sidewalk pipe was added to the job. In connection with this task, the knuckle of the boom contacted the 12 kV line which resulted in damage to the line, damage to the truck, and customer outages. There was risk of injury, but no injuries occurred.

The Lineman operating the boom received a Decision Making Leave (DML). The Sub-foreman received a Written Reminder. The three other crew members received Oral Reminders. All five employees were removed from work for 43 days while the incident was investigated. The employees were paid for the straight time hours they had been suspended, but not for any potentially missed overtime.

Discussion

In regard to the disciplinary action, the Committee discussed the DML issued to the Lineman operating the boom and the Written Reminder issued to the Sub-foreman (the Oral Reminders issued to the other crew members were upheld by the Local Investigating Committee).

In regard to whether the grievants are contractually entitled to potentially missed overtime for the period of their crisis suspension, the Union argued that Arbitration 283 set the precedent for paying employees for missed overtime opportunities when removed from work by the Company. In that decision, the arbitrator ruled that the grievant was entitled to payment for potentially missed overtime opportunities.

The Company noted that the parties' negotiated the crisis suspension language as part of the Positive Discipline agreement. That language requires the Company to reimburse employees for the time lost. There is no requirement to pay employees for potentially missed overtime opportunities. This language has been in existence for over 25 years. During this time, there have been hundreds of suspensions. Not one of those has resulted in the payment of potentially missed overtime opportunities.

The Company also pointed out that the arbitration decision was limited to determining back-pay in connection with a reinstatement. The decision was specific to the facts of that case and limited to the language of Section 102.4 of the Physical Labor Agreement. The decision did not address the interpretation or application of the crisis suspension language of the Positive Discipline agreement. The crisis suspension language is different and unlike the reinstatement language, has a well-established practice of being limited to straight-time pay.

The Committee noted that both the DML for the Lineman and the Written Reminder for the SubForeman have been deactivated. Looking at Title 308.12 of the Physical Agreement prearranged overtime shall be distributed equally among employees in the same classification and on the same job assignment.

Decision

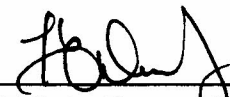
This grievance is closed without adjustment and without prejudice to the position of the Parties.



Doug Veeder, Chairman
Review Committee

5/24/12

Date



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

5/24/2012

Date