



## REVIEW COMMITTEE



PACIFIC GAS AND ELECTRIC COMPANY  
LABOR RELATIONS DEPARTMENT  
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INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS, AFL-CIO  
LOCAL UNION 1245, I.B.E.W.  
P.O. BOX 2547  
VACAVILLE, CALIFORNIA 94696  
(707) 452-2700

KATHY LEDBETTER, CHAIRPERSON

LLOYD CARGO, SECRETARY

### **Pre- Review Committee Numbers No. 24855 Gas Operations – Gas T&D – Chico**

Brenda Legge  
Company Member  
Local Investigating Committee

Todd Wooten  
Union Member  
Local Investigating Committee

#### Subject of the Grievance

These cases concerned whether or not Title 200 Chico Gas M&C employees were not offered an opportunity for prearranged overtime during December 2019 while Title 200 employees and GC Gas employees were performing work regularly assigned to the Chico headquarters. The grievance maintained that work should have been assigned to the Title 200 Chico Gas M&C Employees prior to the other work groups.

#### Facts of the Case

To support restoration of facilities due to damage from the 2019 Camp Fire, the company provided local Title 200 Chico Gas M&C Crew significant overtime throughout October and November 2019. In early December 2019, the company transitioned the remaining work to a project and assigned to GC Gas.

Over the weekend of December 8<sup>th</sup> and 9<sup>th</sup>, various Title 200 crews and Title 300 GC Gas crews continued to transition work on the project. The local Chico Title 200 crews worked 16 hours POT on Saturday, December 8<sup>th</sup>. The crews were not assigned any POT on Sunday December 9 and were notified the reason was so that the Chico employees could rest under the provisions of the Company Standard for Commercial Driver Fatigue (TRAN-2001P-01) and be available for required work on Monday, December 10.

Discussion

The Union argued that the company standard is not a negotiated document and that the utilization of this standard does not warrant a violation of any of the provisions of Title 208, Title 212 or precedent setting cases including PRC 1351. Further, the Union maintained that the Company has not demonstrated that any of the grievants had exceeded the state regulations on driver fatigue in this specific case and would not have been able to drive a vehicle for non-emergency work the following week.

The Company maintained that the Commercial Driver Fatigue standard supports the implementation of the California Code of Regulations on Driver Fatigue. As the company is obligated to ensure it has addressed Driver Fatigue, the standard would not require further negotiation. In this case, the employees had worked for many weeks toward the Camp Fire restoration and were needed the following week to return to other work in the division.

The Pre-Review Committee noted that given the length of time between the grievance and Committee discussion, it would be a challenge to determine exactly who was working in the Service Territory for Title 200 Chico Gas M&C employees on December 9<sup>th</sup>.

Decision

The parties did not reach agreement as to the Company Standard and the requirements provided for fatigue. However, based on the specific facts of this case, the parties agreed to an equity settlement.

The Company will pay a settlement equal to 12 hours worked at 1.5 times the 2018 rate of pay for the Title 200 Chico Gas M&C grievants in this case.

This case should be considered closed based on the above and without prejudice toward any other cases.

**For the Company:**

**For the Union:**

 09/14/2020  
Kathy Ledbetter, Chairperson      Date  
Review Committee

 09/14/2020  
Lloyd Cargo, Secretary      Date  
Review Committee