

REVIEW COMMITTEE DECISION

Review Committee File Nos. 334, 979, 1140 and 1192
North Bay Division Grievance 4-28
East Bay Division Grievance No. 1-70-2
North Bay Division Grievance No. D.Gr/C 4-71-22
San Jose Division Grievance No. 8-72-22

Subject of the Grievance

The unresolved issues in all four cases are essentially the same. Each are based on Union's allegation that non-bargaining unit employees are performing bargaining unit work in violation of Title 2 of the Clerical Agreement. Briefly stated, the following are the pertinent facts in each case:

In Review Committee File No. 334, which dates back to 1961, Union contends that the North Bay Division established a classification of Rate Advisory Representative for the purpose of performing work previously assigned to Power Surveyors, the latter a bargaining unit classification. At a later date, the Rate Advisory Representatives were reclassified to Customer Services Representatives.

The second case, Review Committee File No. 979, concerned the reclassification of a Clerk A to a Clerk C in the Customer Services Department in Oakland. There is no disagreement as to the propriety of the reclassification to Clerk C. However, a residual issue in that case concerned the processing of high bill complaints formerly handled by the adjuster classification, and according to the facts, at that time were being assigned to non-bargaining unit Customer Services Representatives apparently on a full-time basis.

Review Committee File No. 1140 also involves the processing of high bill complaints by Customer Services Representatives, whether they require field contact with the customers or not.

Review Committee File No. 1192 puts in issue the assignment to Customer Services Representatives of high bill inquiries and computing and discussing retroactive charges with customers.

Conclusion of Fact

In reviewing the cases at hand and the work assignments in general to Customer Services Representative, Adjuster and other clerical and physical classifications, and other classifications in or out of the bargaining unit, the Review Committee agrees that field duties in connection with the following are being commonly performed by both Customer Services Representatives and bargaining unit clerical classifications:

Investigates, analyzes, adjusts, and explains meter billing and rate problems. Makes field calls and customer contacts with respect to credit and billing matters. Composes original correspondence as necessary to investigate, explain or reconcile high bill complaints and adjustments. Performs other clerical assignments.

As it should be readily apparent from the assigned number of the earliest Review Committee case, the issue involved here is not of recent origin. In its investigations, the Review Committee has determined that the same controversy predates even the first of these cases. The work assignments have been discussed from time-to-time during general negotiations as well as in the grievance procedure, but until now, the parties have been unable to reach a mutual understanding as to a solution.

The problem is one which does not lend itself to a firm unequivocal statement of when such assignments must be made to bargaining unit employees or when they may properly be made to non-bargaining unit personnel. However, after reviewing the matters discussed during the negotiating sessions and the processing of the grievances, as well as this Committee's own field investigation and study, the Review Committee concludes that the routine assignment of the above duties should be made to an appropriate bargaining unit classification and only out of the ordinary non-repetitive assignments may be justified to non-bargaining unit personnel.

This, we realize, is an imprecise measure. Suffice it to say, that where such an assignment, which does not permit the employee more than routine discretion on the handling of the problems is given to a non-bargaining unit employee, it is improper, and these practices, except as otherwise noted in the Decision, must be discontinued.

Discussion

Because of the antiquity of these cases and more particularly because of the impossibility of reaching back into this extensive past history to single out and resolve specific instances of past violations, this Decision will look to the immediate future rather than to the past.

During the evolution of these grievances, special classifications have been created and filled outside the bargaining unit to perform much of the routine work involved here. As a starting point then, this practice is terminated.

On the other hand, it would be unfair to remove those Company employees appointed while these cases have remained idle in the grievance procedures even though their work assignments are predominantly of this routine nature. In those situations where productive non-bargaining unit work cannot presently be substituted for these assignments, the incumbent will be "red circled" and may continue to be assigned such work. The duration of those "red circled" assignments as well as the mechanics for change will be taken up later in the Decision.

In addition to this, the Review Committee's study of the work scheduling indicates a hodge podge of other practices involving routine assignments to both or either bargaining unit and non-bargaining unit classifications, in most cases, without regard to whether the work is routine or requires discretionary handling or scheduling. In those cases and others of a like nature, the Divisions will realign the work scheduling to first assign the routine work to bargaining unit classifications. In some instances, for the time being at least, this may still result in non-bargaining unit personnel being assigned routine work in excess of the standards

set forth herein. For this reason the Divisions will be called on to report those situations where to immediately withdraw all the routine work assignments from the non-bargaining unit classifications would cause a dislocation of the incumbent. In these cases, too, the non-bargaining unit incumbent will be "red circled" subject to the restrictions provided for in this Decision.

Decision

This Decision establishes the general principle that the routine assignments discussed above are usually properly assigned only to an appropriate bargaining unit classification. Therefore, the future establishment of non-bargaining unit classifications to routinely perform these assignments will be discontinued.

The problem of unraveling present practices inconsistent with this Decision will be left to the affected Divisions. (This Decision is applicable to all Divisions.) Among other things, the Divisions will resolve disputes over implementation of this Decision, establish "red circle" designations, and furnish the Review Committee with expected time tables for the elimination of individual "red circle" designations. The Review Committee will continue its jurisdiction over the question and will be responsible for the final resolution of issues that may arise through the implementation of this Decision.

Basically, the plans adopted by the Divisions should provide for the immediate reassignment of this work to a proper bargaining unit classification where in doing so a present incumbent non-bargaining unit employee will not be demoted, dislocated, or displaced. It is expected that this step will be completed in 180 days from the date of this Decision.

In those situations where the reassignment of the work would result in demotion, dislocation or displacement of an incumbent non-bargaining unit employee, the appropriate Division will, to the extent necessary, define a productive work schedule for such non-bargaining unit employee, "red circle" that position, and adopt a plan for reducing and ultimately excluding the bargaining unit function from his work assignments.

FOR UNION:

W. H. Burr
E. R. Sheldon
L. N. Foss

By



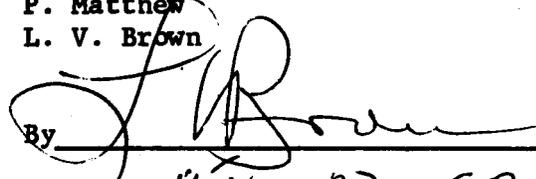
Date

Nov 27, 1974

FOR COMPANY:

J. A. Fairchild
P. Matthew
L. V. Brown

By



Date

Nov. 27, 1974

BACKGROUND

Company and Union recently agreed on the disposition of Review Committee File Nos. 334, 979, 1140 and 1192.

Basically, the decision involves the Union's allegation that non-bargaining unit employees are routinely performing bargaining unit work that should be assigned to appropriate bargaining unit classifications, to which the Review Committee agreed.

RESOLUTION OF PROBLEM

San Francisco Division currently has five Customer Services Representatives as follows:

F. T. Dillon	San Francisco
M. Elston	Daly City
B. Goodman	San Francisco
M. A. Mussen	San Francisco
R. R. Prangley	San Francisco

Company agrees that a part of the job duties of these positions involves bargaining unit work and agrees that such work should be assigned to a bargaining unit classification. The reassignment of such work, however, could result in the demotion, dislocation or displacement of the incumbent Customer Services Representative.

AGREEMENT

Company agrees that each Customer Services Representative classification will be reviewed when the position is vacated on a permanent basis. If the job duties are found to then be substantially bargaining unit work as defined in the Review Committee decision, the position will be reclassified to an appropriate bargaining unit classification. (See attached present duties of Customer Services Representative)

Any upgrades required to relieve the duties as mentioned in Review Committee Files Nos. 334, 979, 1140 and 1192 pertaining to non-bargaining unit employees performing bargaining unit work during vacation, illness or other time off periods will be made to an appropriate bargaining unit classification. Any dispute arising over the application or interpretation of this agreement may be processed through the grievance procedure.

FOR COMPANY

FOR UNION

F. R. [Signature] 5/28/75

William H. Story 6/13/75

Glenn Dawson 5/28/75

Frank H. Quader 6-13-75

SAN FRANCISCO DISTRICT CUSTOMER SERVICES OFFICE

A. Customer Services Representative

Following is a list of the major duties or activities which comprise the position:

<u>Primary Duties Performed</u>	<u>Total Time</u>
1. Investigates inquiries concerning clearance deviations and pole or anchor complaints as well as view complaints. Must ascertain that OSHA regulations are observed. Initiates and channels orders to facilitate corrective action. Advises as to location and relocation of meters and replacement of gas and electric services and determines financial responsibility of Company/customer. Customer Services representative will secure customer's signature on service contracts, extension agreements and other documents as required. The Customer Services representative will also collect money when contract with customer specifies. Will issue request for service when contractor calls him direct and will rewrite or correct a request for survey as a result of his field investigation. Based on contractor/customer service requests and field investigations, determination of customer's final readiness for service is made and the operating and other departments are advised.	45%
2. Coordinates the Electric Underground Conversion Program with the City, P T and T, the contractor and the customers. Interprets Rule 20, advises customers individually or in neighborhood groups on specific methods of undergrounding, timetable data and of Company and customer responsibilities.	30%
3. Initial calls regarding retroactive charges, rate matters and/or billing matters on major accounts will be handled by an adjuster. When the situation demands, by virtue of the customer's position within an organization he represents, a Customer Services representative will field the call.	12%

<u>Primary Duties Performed</u>	<u>Total Time</u>
4. Critical public relations problems which require advanced knowledge and diplomacy. This includes fielding response to management complaints and extremely sensitive HBI's and CPUC's from both commercial and domestic customers. Special surveys and projects requested by higher management which require background and experience of Customer Services Representative.	10%
5. Advise the more difficult or heavy industrial/commercial area customers of planned shutdowns by both Gas and Electric Departments. Meets with operating department personnel to plan this action.	1%
6. Maintains a program of continued update on all rates, rules, regulations, legislation and codes governing our operation. Current and ready knowledge of new uses of gas and electric and related costs is necessary. Develop a close working liaison with operating departments.	2%
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TOTAL TIME	100%

RRRhodes
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