



REVIEW COMMITTEE



PACIFIC GAS AND ELECTRIC COMPANY
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CASE CLOSED
FILED & LOGGED

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W
P.O. BOX 4790
WALNUT CREEK, CALIFORNIA 94596
(510) 933-6060
R.W. STALCUP, SECRETARY

MARGARET A. SHORT, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

Peninsula Division Grievance BEL-96-04
Pre-Review Committee No. 2074

Diablo Division Grievance CON-96-29
Diablo Division Grievance CON-96-27
Pre-Review Committee No. 2086

REVIEW COMMITTEE DECISION NO. 1811

VERN WITTMAN
KELLY ADAMS
Company Member
Local Investigating Committee

HUNTER STERN
FRANK SAXSENMEIER
Union Member
Local Investigating Committee

Issue of the Grievances

The issue in these cases is the calculation of pay for employees on 9 hour schedules who work during an earned rest period.

Facts of the Cases

In PRC 2074 nine Substation Maintenance employees worked 37 1/2 hours continuously beginning at noon on Tuesday, 2/13/96 and finishing at 9:30 p.m. on Wednesday, 2/14/96. As such the employees were entitled to double time pay as provided in Section 208.11(f) for their regular work hours on 2/14/96. The grievants include one Electric Maintenance Crew Foreman, six Electricians, and one Electrical Technician.

In PRC 2086 there are four grievants, two Electric Crew Foremen, one Lineman, and one Working Foreman. All are on nine hour schedules and worked during an entitled rest period for varying amounts of time during the week of June 3, 1996. The Lineman worked regular work hours on three days, at nine hours each day, on which he was entitled to a rest period. The Electric Crew Foremen each worked one day when entitled to a rest period. The Working Foreman worked for 3.5 hours on June 3, 1996 which should be compensated pursuant to Section 208.11(f).

In each of these situations, OT9 was entered for the hours worked. This is the Payroll code for overtime in lieu-of straight time and is the code designated specifically for this worked rest period situation. The employees were paid at two times their factored rate for 8 hours and 1 hour at the OTX (factored overtime rate) on the days and hours at issue.

Discussion

The Review Committee discussed the positions of the parties outlined in the Local Investigating Committee Reports. The Union had opined that Section 208.11(f) requires payment at two times the straight rate of pay at the regular rate, not the factored rate. The Company had opined that two times the factored rate should be used. The Committee agreed that neither approach is correct.

One of the guiding principles of the alternative work schedules is that they be cost neutral with the traditional 8 hour schedule. This is accomplished in a two-week cycle through the use of factored rates. The only way to maintain this cost neutrality when employees work through a rest period is to pay one times the regular straight rate (not factored) in addition to whatever pay the employee is already earning for working the regular hours. In this manner a 9 hour schedule employee and an 8 hour schedule employee are paid the same when working through their rest period.

The Committee stated the computer system in place supporting payroll is currently incapable of paying employees at two different rates for the same period of time. An alternative discussed was entering the time twice at the appropriate rates. The problem with this idea is that the records would show the employees working more hours than actual on that date. Hours worked information is utilized in a number of reports which would then be inaccurate.

Decision

The Review Committee is in agreement to pay the affected grievants the difference in what they were paid and what they should have been paid from 30 days prior to the filing of the grievance until the system is corrected. Further, Company will continue to explore ways to address this problem and will expect a report from the Payroll Department by the March 19th meeting.

This case is closed on the basis of the foregoing.

For the Company:

Margaret A. Short
William G. McLoughlin
Rod Maslowski
Bill Blastic

By: Margaret Short
Date: 1/14/98

For the Union:

Roger Stalcup
William Bouzek
Mike Grill
Sherrick Slattery

By: Roger Stalcup
Date: 01/14/98