

202.2; 202.5: These ET&D cases (Bakersfield / Chico / Auburn / Santa Rosa) concern the establishment of Tues. – Sat. work schedules for Electric crews that previously worked a Mon. – Fri. (7 a.m – 3:30 p.m.) schedule. As a result with the understanding that this decision in no way compromises Co.'s right to establish Tues. through Sat. work schedules, the equity settlement is to pay grievants six hours of straight time at the appropriate rate of pay for each Saturday worked while the schedule was in effect.



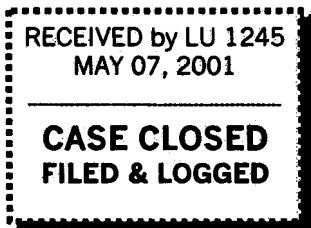
REVIEW COMMITTEE



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MARGARET A. SHORT, CHAIRMAN

DECISION
LETTER DECISION
PRE-REVIEW REFERRAL



INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
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REVIEW COMMITTEE FILE NOS.

10463 (BAK- 99-19) Bakersfield Electric T&D
10569 Chico Electric T&D
11002 Auburn Electric T&D
11174 (STR-99-38) Santa Rosa Electric T&D

Jeff Neeley
Linda Matthews
John Cuneo
Maggie Sarmiento
Company Member
Local Investigating Committee

Mike Grill
Phil Carter
Kit Stice
John Kent
Union Member
Local Investigating Committee

Subject of the Grievances

These cases all concern the establishment of Tuesday-Saturday work schedules for Electric crews that previously worked a Monday-Friday, 7 a.m. to 3:30 p.m. schedule.

Facts of 10463 - Bakersfield

A four person crew consisting of an Electric Crew Foreman, two Linemen, and a T&D Assistant was established effective January 11, 1999. At a Labor-Management meeting November 30, 1998, Company explained reasons for the schedule to Union indicating the need to reduce outage time by having crews more readily available to respond to emergencies. The Business Representative held meetings with the employees prior to the start of the new schedule. The ECF was filled through Title 205 by a Bakersfield Lineman. Records indicate that employee is now a Troublemaker in Bakersfield.

The grievance in this case was filed April 28, 1999.

Discussion 10463

Company opined that this grievance was filed more than 30 days after the implementation of the Tuesday through Saturday schedule and as such is not a timely filed grievance.

Union argued that this is a case of a continuing grievance pursuant to Attachment A to Title 102 and therefore is a timely filed grievance.

The Review Committee discussed the Labor Agreement Interpretation executed March 17, 1969 (which later became Attachment A to Title 102) and the cover letter distributing it dated April 17, 1969. Company opined that Tuesday-Saturday grievances are not continuing grievances as contemplated by the LAI as all of the examples in the cover letter address wage placement.

Union opined that these grievances violate the contract and do not meet the criteria established by Arb. 56 and as such violate the agreement each day and is therefore timely filed. However, Company's liability should there be any is retroactive only to 30 days prior to filing the grievance.

Notwithstanding Company's position, Company decided to discontinue the Tuesday-Saturday schedule effective March 5, 2001.

Facts of 10569 Chico

Effective January 8, 2000 Company established a four person Tuesday-Saturday crew consisting of an Electric Crew Foreman, a lineman, an Apprentice Lineman, and a T&D Assistant. The junior Chico employee in each classification was assigned the new schedule. In the fall of 1999 Company presented information to the local Union Business Rep. detailing the reasons for the Saturday schedule.

This schedule was canceled May 20, 2000.

Facts of 11002 - Auburn

In the fall of 1999 Company presented information to the local Union Business Rep detailing the reasons for the Saturday schedule. The reasons included:

- Improved customer service.
- Outage duration over the prior three years required attention.
- Response to outages during normal work hours was faster than when employees are called out.
- It was anticipated that the combination of later weekday coverage and Saturday coverage would reduce outage minutes by 2 to 3 percent annually (system-wide).
- Reducing outage minutes will have a positive impact on the proposed Performance Based Ratemaking where in electric system reliability was a performance measure.
- Benchmarking indicated other utilities have seen performance benefits by providing expanded coverage.

The Tuesday-Saturday scheduled was implemented in Auburn on January 4, 2000 and canceled April 30, 2000. It was staffed by three Linemen and one Electric Crew Foreman by assigning the junior employees in those classifications.

Discussion 10569 and 11002

The RC reviewed and discussed Section 202.2 of the Agreement and Arbitration Case No. 56 which challenged the establishment of Tuesday-Saturday crews in the Gas Department. In that case, the arbitrator indicated that Company has the right to implement such schedules consistent with the rendition of "adequate public utility service". The arbitrator noted that many meetings were held with the Union to present information to demonstrate the necessity of the schedules in order to avoid a grievance over the implementation. The arbitrator recognized that no matter how much information Company presented, Union was unlikely to agree. Therefore, the arbitrator said Company can opt to establish Tuesday-Saturday schedules which if challenged by the Union will have to be measured against several key factors to determine if the schedules are justified. Those factors are:

- the number of emergencies in the district (service area for the HQ)
- response time (from time start calls until crew assembles at the service center and is ready to leave)
- size and population density of the district
- number of calls to obtain a crew
- general consideration that generally an on-duty crew will be able to respond faster

Facts of 11174 Santa Rosa

A four person crew consisting of the junior Crew Foreman and three Linemen was assigned to a Tuesday through Saturday schedule effective December 11, 1999. The reason for the schedule, which was communicated to the Union, was the same as the other locations - to reduce outage minutes and improve emergency response time.

This case was referred by the Review Committee to arbitration, however, prior to a hearing, Company agreed to cancel the schedule effective March 26. Company's decision to cancel was predicated on the Union joining management in a meeting with the employees about signing-up for emergency overtime and responding when called.

Decision

The Review Committee requested and received information additional to the LIC reports which addressed the factors set forth by Arb. 56. The committee discussed some of the problems associated with staffing the alternate schedules and whether the schedule met the need of improving response time. The information gathered was inconclusive.

As a result, the parties reached an equity settlement that is without prejudice to the position of either party with the understanding that this decision in no way compromises Company's right to establish Tuesday through Saturday work schedules consistent with the provisions of Section 202.2. Further, the RC strongly recommends a thorough analysis of the earlier arbitration criteria and the records of these cases before deciding to implement Tuesday-Saturday schedule in the future.

The equity settlement is to pay grievants six hours of straight time at the appropriate rate of pay for each Saturday worked while the schedule was in effect.

This case is closed on the basis of the foregoing and the adjustment provided herein. It should be so noted by the Local Investigating Committee.

For the Company:

Margaret A. Short
Ernie Boutte
Dave Morris
Malia Wolf

For the Union:

Sam Tamimi
William R. Bouzek
Ed Dwyer
Sherrick A. Slattery

By: Margaret Short

Date: 5/7/01

By: Sam A. Tamimi

Date: 5-7-2001