



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.
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VACAVILLE, CALIFORNIA 94696
(707) 452-2700

ROBIN WIX, CHAIRMAN
 DECISION
 LETTER DECISION
 PRE-REVIEW REFERRAL

F.E. (ED) DWYER Jr, SECRETARY

Review Committee Number 22156 Electric Operations – EDSO - Auburn

Chris Diamond
Company Member
Local Investigating Committee

Bob Gerstle
Union Member
Local Investigating Committee

Subject of the Grievance

This case concerns the proper rate of pay when Relief System Operator(s) at the Auburn headquarters are filling behind a System Operator who is on special assignment out of the headquarters for the Electric Control Center (ECC) consolidation.

Facts of the Case

In the interest of employee engagement for process improvements, the Company and Union jointly agreed to utilize IBEW represented employees to participate on a working committee charged with analyzing technologies, processes, and procedures for the ECC consolidation. A System Operator from the Auburn headquarters was selected as a member of the committee. Beginning in January 2013, the System Operator worked in San Ramon as part of the committee Monday through Thursday of each week, returning to his Auburn headquarters on Fridays.

While it is not clear what work the System Operator performs on Fridays while at his regular headquarters, he does not hold shift for his regularly assigned system operator duties. He has been upgraded to a Lead System Operator while assigned to the consolidation project. The Company is utilizing Relief System Operator(s) to backfill the vacant System Operator shift at the straight-time rate of pay for hours worked during the System Operators regular assigned shift. The parties did not discuss how the System Operator's shift would be backfilled at the outset of his being assigned to the project.

Discussion

The parties have discussed the appropriate application of the Title 202 Hours clarification for Utilization of Relief Shift Employees at length. The Company has utilized Section C – Replacing an Absent Employee when backfilling for the System Operator while he is assigned to the ECC consolidation project. The Union opines that Section C does not apply in this situation as the System Operator is not "absent" from work as defined in the agreement. Section C defines an "absent" employee as an employee who is:

- a) *Off work and absent from Company's premises*
- b) *Temporarily assigned to a classification not in the bargaining unit*
- c) *Assigned to a training program which results in his being off watch, or*
- d) *On light duty due to industrial injury or other non-industrial disability*

The Union points to Section F – Other Assignments of Relief Shift Employees as the appropriate pay application in this instance and contends, based on this application, the Relief Shift employees should be paid as an Overtime assignment under the provisions of Section 208.1.

The Company has applied Section C in consideration that the employee is absent from his headquarters for long periods of time and unable to perform his assigned System Operator duties.

The Committee noted that the Hours clarification was agreed to in 1967 and last updated in 1989. At that time employees were typically not engaged in these sorts of projects, and if so would be upgraded to a management position (which is one of the listed definitions of "absent"). The definition of an "absent" employee was derived from widely known common reasons that resulted in the employee being off shift and absent from his/her work duties.

The Committee recognizes that the Company and Union have an ongoing mutual interest in increased employee engagement which will result in represented employees to be absent from their assigned headquarters and job duties. In the past when this has happened, employees would be upgraded to management and would be considered "absent". The only difference in this case is that the employee was upgraded to a bargaining unit classification. That one change does not alter the intent of the language and the reality that the employee was in fact absent.

Decision

The Committee agreed to an equity settlement which includes overtime relief on the Fridays that he was at the headquarters but not on the days he was in San Ramon on the project. This case is settled without precedence or prejudice to the position of the parties.

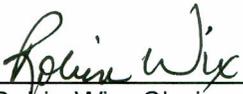
Furthermore, the Committee is recommending that the parties discuss this issue through negotiations or Ad Hoc.

For the Company:

Laura Sellheim
 Rod Williams
 Tanya Moniz-Witten

For the Union:

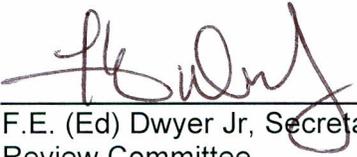
Jim Brager
 John Blaylock
 Karen Russell



 Robin Wix, Chairman
 Review Committee

4/23/14

 Date



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

4/23/14

 Date