



REVIEW COMMITTEE

IBEW



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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ROBIN WIX, CHAIRMAN

- ☐ DECISION
- ☐ LETTER DECISION
- ☐ PRE-REVIEW REFERRAL

KIT STICE, SECRETARY

Review Committee Number 22674 Electric – General Construction – Hayward

Vanessa Parker
Company Member
Local Investigating Committee

Mike Saner
Union Member
Local Investigating Committee

Subject of the Grievance

This case concerns whether or not a GC Line crew should receive bypass pay following the assignment of emergency overtime work to a contractor. At issue is whether the Company followed the language of Letter Agreement 09-41 regarding the requirement to check the availability of GC prior to assigning the emergency work to a contractor.

Facts of the Case

On the morning of Friday, June 20, 2014, an emergency situation arose which required multiple resources. Two available division crews were dispatched to the emergency. The on-call supervisor called the GC supervisor and left a voicemail message and followed up with a text message to check the availability of the GC crew to respond to the emergency. After not receiving a response to either the voicemail or text message, the on-call supervisor then arranged for contract crews to respond. The contract crews worked on the emergency job until 3:00 a.m. Saturday, June 21, 2014.

The GC supervisor was on his RDO on Friday, June 20th, and was scheduled to take vacation the following week. He stated at the Local Investigating Committee (LIC) meeting that he did not recall receiving a voicemail message from the on-call supervisor and that he had an "out of office" message on his phone referring callers to his vacation relief supervisor. He also stated that he did see the text message later in the day but did not respond as he assumed that the relief GC supervisor would have been contacted regarding the emergency. The on-call supervisor stated he did not recall hearing an out of office message when he left the voicemail for the GC supervisor.

Discussion

The Union argued that the Company did not take all necessary steps to obtain a GC crew before resorting to contractors and therefore violated LA 09-41. The Union further argued that had the on-call supervisor listened to the GC Supervisor's out of office voicemail message he

would have contacted the relief GC supervisor and the crew would have been able to work the overtime assignment, therefore bypass pay is appropriate in this situation.

The Company argued that the on-call supervisor attempted to check the availability of the GC crew prior to utilizing contractors. The language of LA 09-41 states *"The Company will exhaust the applicable 212 list and check the availability of Title 300 resources before calling contractors for emergency duty."* The Company argued that the on-call supervisor attempted to check the availability of the GC crew using two different methods, voicemail and text. It was only after he did not receive a response to either attempt that he arranged for a contractor to respond. The Company argued that there was no violation of LA 09-41 in this instance, and in addition, there is no contractually negotiated remedy to pay bypass for GC personnel had a bypass occurred.

Decision

The topic of overtime bypass pay for T300 personnel is not new to the grievance procedure. While the Committee agreed that overtime bypass pay is not a negotiated remedy for T300 classifications, the Union Committee members opined that in this case bypass pay is appropriate. The Committee agreed that the on-call supervisor checked the availability of the GC Crew as outlined in LA 09-41, however due to the inability of the on-call supervisor to reach the GC supervisor, the GC crew was not utilized and therefore missed the opportunity to work overtime for which they would have otherwise worked.

After much discussion, the Committee agreed to return this grievance to the Local Investigating Committee to determine an equity settlement specific to this case only, without prejudice to either party's position and without precedence to any future T300 bypass cases. If the Local Investigating Committee is unable to reach agreement, the case will be returned to the Review Committee for final resolution. This case is closed based on the foregoing.

For the Company:

Rod Williams
Tanya Moniz-Witten
Chris Zenner

Robin Wix 3/23/16
Robin Wix, Chairman Date
Review Committee

For the Union:

Robert Mohler
Karen Russell
Andrew West

Kit Stice 3/23/16
Kit Stice, Secretary Date
Review Committee