



REVIEW COMMITTEE

IBEW



PACIFIC GAS AND ELECTRIC COMPANY
LABOR RELATIONS DEPARTMENT
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INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
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ROBIN WIX, CHAIRMAN
☐ DECISION
☐ LETTER DECISION
☐ PRE-REVIEW REFERRAL

KIT STICE, SECRETARY

Review Committee Number 23031 Gas Operations – Operating Clerical – Napa

Joe Brennan
Company Member
Local Investigating Committee

Ralph Kenyon
Union Member
Local Investigating Committee

Subject of the Grievance

This case concerns the Company's denial to pay bypass pay to an Operating Clerk at the Napa headquarters for prearranged overtime assignments during a storm event.

Facts of the Case

In February, the Company prearranged Operating Clerks to work a storm event over a four day period, February 6, 7, 8, and 9, 2015. The Company utilized clerks from the Napa headquarters and additional clerks from other headquarters for the storm event. The grievant submitted timecards for bypass pay for 13 hours of overtime pay for Saturday February 7th, and 12 hours of overtime for Sunday February 8th.

The supervisor sent an email asking Operating Clerks from the Napa headquarters if they would like to work prearranged overtime for the storm event. The supervisor scheduled rotating shifts for each day of the storm which included a day shift 6:00 a.m. to 7:00 p.m. and a night shift 6:00 p.m. to 7:00 a.m. The grievant responded to the supervisor's email stating that she would like to work overtime and would be willing to work with "Cindy" since she had worked with her before.

The grievant was not offered a prearranged overtime assignment on Saturday or Sunday however clerks from outside the service territory worked rotating shifts on each of those days.

Discussion

The Union argued that the overtime work must be offered, and if accepted, assigned to all the operating clerks at the headquarters before utilizing clerks from other headquarters as stipulated in PRC 1351. The grievant notified the supervisor that she would be willing to work overtime but was not assigned an overtime shift on Saturday or Sunday while clerks from outside of the headquarters were allowed to work overtime on those days. The Union argued when out of area clerical are brought in to work overtime there is no way to equalize overtime belonging to the local headquarters

as those hours are not documented as hours worked at the headquarters. As a result, the Company violated the Agreement and bypass pay for the grievant is an appropriate remedy.

The Company argued that paying direct bypass for missed overtime opportunities is not a negotiated provision of the contract and therefore is not a contractual remedy. All clerical overtime, emergency and prearranged, is equalized at the end of the accounting period and only then is bypass pay the appropriate remedy in accordance with Section 12.3 Equal Distribution.

Decision

The Committee agreed that equalization of overtime within a classification at the headquarters at the end of the accounting period is the appropriate remedy as outlined in Section 12.3 of the clerical agreement. However, the Committee recognized that the overtime hours worked by the employees from outside of the headquarters will not be recognized as hours worked at the Napa headquarters and therefore, in this specific case and without prejudice or precedence, the Committee agreed to an equity settlement that will allow the grievant the opportunity to work an additional 25 hours of prearranged overtime prior to the end of 2016. These overtime hours will not be recorded as hours worked or charged for overtime equalization purposes during the 2016 accounting period. If the grievant declines any of the offered overtime hours, those hours shall be considered as declined and will be considered as part of the equity settlement. The Committee agreed to close this case without adjustment and without prejudice or precedence. This case is closed.

For the Company:

Rod Williams
Tanya Moniz-Witten
Chris Zenner

For the Union:

Robert Mohler
Karen Russell
Andrew West

Robin Wix

Robin Wix, Chairman
Review Committee

8/24/16

Date

Kit Stice

Kit Stice, Secretary
Review Committee

8/24/16

Date