



REVIEW COMMITTEE

IBEW



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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 23027 Electric – Operating Clerical – San Rafael

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 a Foreman's Clerk at the San Rafael headquarters for prearranged overtime assignments during a storm event.

Facts of the Case

In February 2015, the Company prearranged the grievant and five Operating Clerks to work a storm event over a four day period between February 6 and 9, 2015. The Company utilized clerks from the San Rafael headquarters and clerks from other headquarters for the storm event. The grievant submitted timecards for bypass pay for the hours worked by the out of area clerical staff for Saturday February 7th and Sunday February 8th.

The supervisor scheduled rotating 13 hour prearranged overtime 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. On Friday, February 6th, the grievant worked her regularly scheduled straight-time shift and continued to work prearranged overtime from 3:30 p.m. Friday until 7:00 a.m. Saturday. The grievant returned Saturday evening and worked the 6:00 p.m. to 7:00 a.m. prearranged overtime shift and returned to work the Sunday evening prearranged overtime shift into Monday morning, at which time she took her earned Rest Period for her regularly scheduled Monday shift.

Discussion

The Union argued that the grievant was released from her overtime assignment and replaced by out of area clerks on both Saturday and Sunday, February 7th and 8th in violation of Arb 120 and LA 85-61. The Union argued that the grievant had first rights to the overtime worked at her headquarters and therefore should not have been released while out of area clerks were working at the San Rafael headquarters for the storm event

The Company argued that there was no violation of Arb 120. The prearranged overtime assignments were scheduled in rotating shifts for the duration of the storm event. The purpose of scheduling the prearranged overtime rotating shifts was to ensure adequate clerical coverage during the entire storm event. The grievant was prearranged to work overtime each day of the storm event and was released each day at the end of her scheduled prearranged overtime shifts, the same as the other clerks working the event.

The Company cited PRC 2170 where no violation was found when crews were scheduled in 8 hour rotating shifts during a storm event. The Committee in that case concluded:

- Company has the right to manage the business, to plan and direct the work of its employees. During major emergencies Company has the right to utilize additional employees from other areas including General Construction and to make non-traditional work assignments.
- The duration of overtime assignments is not guaranteed. However, the principles of Arbitration 120, PRC 2182, and Letter Agreement 85-61 are to be followed.

The Company argued that PRC 2182 found no violation as other employees (replacement employees) were not called-out to replace the relieved employees. In the immediate case, additional clerks were not called-out to replace the grievant at the conclusion of her pre-arranged overtime assignment.

Decision

The Committee agreed that the clerks were prearranged to work the storm event and were released at the end of their prearranged overtime assignments. No clerks were utilized to replace the grievant, and therefore no bypass occurred. The Committee agreed to close this case without adjustment and without prejudice or precedence.

For the Company:

Rod Williams
Tanya Moniz-Witten
Chris Zenner

For the Union:

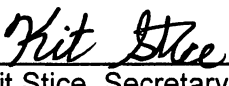
Robert Mohler
Karen Russell
Andrew West



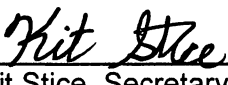
Robin Wix, Chairman
Review Committee



Date



Kit Stice, Secretary
Review Committee



Date