



REVIEW COMMITTEE

IBEW



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PACIFIC GAS AND ELECTRIC COMPANY
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SAN FRANCISCO, CALIFORNIA 94177
(415) 973-8510

**CASE CLOSED
FILED & LOGGED**

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W.
P.O. BOX 4790
WALNUT CREEK, CALIFORNIA 94596
(510) 933-6060
R.W. STALCUP, SECRETARY

MARGARET A. SHORT, CHAIRMAN

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

**Sacramento Division Grievance No. Sac-95-05
Fact Finding No. 6429-96-140
Pre-Review Committee No. 2094**

**San Jose Division Grievance No. SJO-95-06
Fact Finding File No. 6386-96-97
Pre-Review Committee No. 2099**

LINDA MATTHEWS
GAIL STENERSON
Company Member
Local Investigating Committee

WAYNE GREER
KATHY MAAS
Union Member
Local Investigating Committee

Grievance Issue

These cases concern the equitable distribution of overtime at the Sacramento and San Jose Call Centers for the year 1994.

Facts of the Case

The two Call Centers' overtime records for 1994 indicate the amount of overtime worked by each employee. The records do not reflect, however, the hours of charged or declined overtime. During 1994, the Call Centers' first year of operation, there was no system in place to charge employees for declined overtime hours. The hours worked show a wide range in overtime distribution.

Recognizing that an accurate determination of how the overtime opportunities were distributed could only be made with charged overtime information, the Local Investigating Committees (LICs) and subsequent sub-committees spent considerable time in trying to reconstruct the overtime records. Despite these efforts, the records could not be reconstructed.

Discussion

The P-RC noted that 1994 was the first year of operation for the Company's four Call Centers. As strongly recommended in the Labor Agreement, the parties entered into discussions over an overtime administrative procedure for all four call centers. These discussions resulted in Letter Agreement 94-101, which went into affect in 1995.

The Company pointed out that when the call centers first opened up, there was more than enough overtime for everyone. According to testimony in the LIC Reports, there were blanket overtime offerings throughout the year. The Union pointed out that the

issue of whether there was blanket overtime available throughout 1994 and how well any offers of overtime were communicated is in dispute.

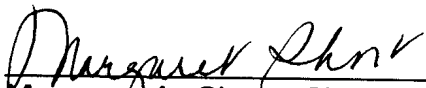
The Union pointed out that Section 12.3 specifically states that it is incumbent upon the Company to comply with the requirement to equitably distribute the overtime. As such, the responsibility for maintaining sufficient records (which includes charged hours) rests with the Company. In 1991, the parties bargained changes to this section to limit the Company's ability to argue "insufficient records" as a defense against making monetary settlements.

DECISION

Although the records are incomplete in these cases, they are the only records upon which a decision must be made. These records show an imbalance. The Company is unable to present justification for the imbalance. Given that Section 12.3 has a prescribed remedy of paying aggrieved employees, the P-RC concludes a monetary settlement is appropriate.

After lengthy discussion, the P-RC agreed to close these grievances with the following equity settlements. The Company will pay \$2,500 in P-RC 2094 and \$2,500 in P-RC 2099. This money is to be paid in the form of donations to non-profit charities selected by the employees at the two Call Centers involved. The Local Investigating Committee should work together on implementing this settlement.

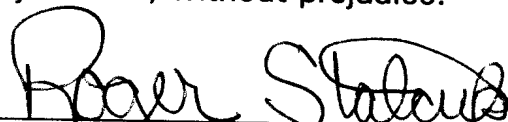
The grievance is closed based on the above adjustment, without prejudice.



Margaret A. Short, Chairman
Review Committee

3/6/98

Date



Roger W. Stalcup, Secretary
Review Committee

3/6/98

Date