



REVIEW COMMITTEE

IBEW



PACIFIC GAS AND ELECTRIC COMPANY
2850 SHADELANDS DRIVE, SUITE 100
WALNUT CREEK, CALIFORNIA 94598
(925) 974-4282

MARGARET A. SHORT, CHAIRMAN

DECISION
LETTER DECISION
PRE-REVIEW REFERRAL

RECEIVED by LU 1245
JULY 10, 2002

**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
(925) 933-6060
SALIM A. TAMIMI, SECRETARY

Pre-Review Committee Nos. 12652, 12827, 12902, 12969, 13105
Fleet - Vacaville, San Carlos, Fremont, San Francisco, Central Coast

Deanna Radford
Durla Kelleher
Paula Jean

Company Members
Local Investigating Committee

Arlene Edwards
Bernard Smallwood
Landis Martilla
Bill Brill
Union Members
Local Investigating Committee

Subject of the Grievance

These cases all involve the scheduling of certain Equipment Mechanics to an 8½ hour second shift schedule.

Facts of the Case

In most Garages, employees on a second shift work a consecutive eight hours. Beginning in 2001, as vacancies occurred, they were filled as 8½ second shifts. The successful bidders or new hires were told the hours and accepted the positions with those scheduled hours. In each of these locations, there were other employees that worked straight eight's.

There are Garages in the system that have had 8½ hour schedules for many years, Stockton and Auburn are examples.

Union alleges violation of Title 202 and Review Committee Decision 1167.

Discussion

Review Committee Decision 1167 was signed in 1974. The issue was the same. Company reassigned two employees from an 8 hour day schedule to an 8½ hour second shift schedule. The parties settled the grievance by a "Grandfather" exception to maintain the status quo. While it is clear how that specific case was resolved - that is, the employees' hours were reduced by 30 minutes - but it is unclear whether the exception applied to the grievants or to the schedule of that Garage. However, in the twenty-seven years since that decision, the vast majority of Garages have maintained straight eight hours on the second shift.

The Union believes the exception applied to the Garage schedule. The Company believes the exception applied to the incumbents, which is why with these current grievances Company began changing the schedules as positions vacated and were filled anew. Company stated the reason for the change was to increase productivity.

Union gave the following reasons as why the status quo should be maintained:

- Sometimes the garage employees are the only ones on-site at the service center during the evening. In the past, management has expressed concern about these employees locking up the facilities to leave for lunch.
- Road calls could come in while employees are out-to-lunch.
- Employees are being paid the same for working 37½ or 40 hours.
- Building and Land Services and Materials employees on second shift work straight 8 hours.
- Past practice. Change must be negotiated.

The Director of Fleet Services opined that most Fleet employees are conscientious, would readily respond to a road call whether on paid or unpaid lunch, and that they take pride in their work and maintenance of Company's vehicles and equipment.

The parties agreed that:

- Section 202.15 is the provision that allows Company to assign Garage employees to other than a day schedule
- Section 202.15 is silent with respect to the number hours that are to be regularly scheduled during a work period, as contrasted to Section 202.9 which is specific to Shift and Service employees.
- Employees who work straight eight's are not relieved of duty for a meal break but may eat on Company time as work permits.

The parties further agreed that when Company plans to make a change in a long-standing practice, it is generally best to discuss with the Union in advance.

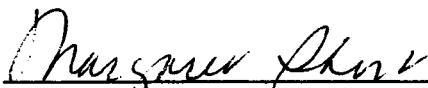
Decision

In an effort to resolve these grievances and help set a climate in which the Fleet organization can engage in a collaborative relationship with the Union, Company agrees to reassign the Title 200 grievants to eight hour schedules. Doing so, is without prejudice to Company's position.

It appears that one of the grievants is a Title 300 Field Garage Mechanic A with a point of assembly in Salinas. It is noted that Section 202.15 does not apply to this employee. The LIC is directed to review this schedule in light of Section 302.5 and 302.7.

It is not intended that this decision disturb the practices in those locations that have worked an 8½ hour schedule for many years or where no grievance was filed. Other timely grievances on this same issue should be settled as provided in this decision. Additionally, there were some new hires and job awards placements into 8½ hour schedules where no grievance was filed as the issue was already in the grievance procedure. These situations may also be reviewed for placement on an 8 hour schedule.

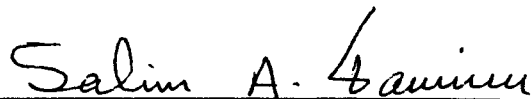
The PRC retains jurisdiction over this matter.



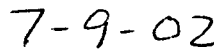
Margaret A. Short, Chairman
Review Committee



Date



Sam Tamimi, Secretary
Review Committee



Date