



REVIEW COMMITTEE

IBEW



PACIFIC GAS AND ELECTRIC COMPANY
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MARGARET A. SHORT, CHAIRMAN

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

RECEIVED by LU 1245
September 27, 2004

**CASE CLOSED
FILED & LOGGED**

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W.
P.O. BOX 2547
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SALIM A. TAMIMI, SECRETARY

Pre-Review Committee No. 14646, 14657 & 14692
Customer Service & Revenue
Field & Metering Services – Oakport, San Carlos, Cinnabar

Margaret Franklin
Karen Santaella
Christopher King
Company Members
Local Investigating Committee

Lula Washington
Bernard Smallwood
Bill Brill
Union Members
Local Investigating Committee

Subject of the Grievance

These grievances all concern bargaining unit work performed in the General Office by temporary agency workers. Specifically, the work involved the review of New Business contracts for series refunds, BARC review, and other MLX related issues.

Facts of the Case

In approximately August 2003 Company identified a need to clean up the backlog of the above work prior to exiting bankruptcy status. It was determined that the most efficient way to accomplish this work on an expedited basis was to centralize it with a group of trained staff. Company estimated a need for 32 clerks for a period of six months. The General Office was selected because it was the only location with available space to accommodate a work group of this size.

Company sought volunteers at the Sr. Operating Clerk/Operating Clerk level from around the system who were already trained and willing to work temporarily in General Office. Twelve volunteers were selected and began working on the project on August 25, 2003. They were released to return to their regular headquarters on October 27, 2003.

In addition to the bargaining unit employees, Company sought temporary Sr. Operating Clerks from the Hiring Hall. There were none. Company then proceeded to fill the need with temporary agency workers pursuant to Section 24.5 of the Clerical Agreement. Notice of intent to utilize agency workers was sent to the Union on August 28, 2003. The agency workers reported as follows:

12 on August 25, 2003
11 on September 15, 2003

On October 13, 2003, 13 of the agency workers were released. Four more were to be released on November 20, 2003. By March 2004, all agency workers who were performing the simple or routine BARC reviews were released. There remain some agency workers who perform complex BARC reviews. The parties have agreed that the complex reviews are not bargaining unit work and is not at issue in these grievances.

In June and July 2004, Company provided training on the BARC Calculation Tool to 54 clerical bargaining unit employees throughout the system. Once trained, these employees became responsible for routine BARC reviews beginning November 2, 2002 to current. The G.O. project team was responsible for clearing up the backlog through November 2, 2002.

In September 2004, Company again hired two agency workers (anticipated six weeks) to conduct routine BARC reviews because the field (the 54 + trained clerical b/u employees) is generating a new backlog and identifying prior errors that need correction. The employees are also working overtime to keep up, and clerical vacancies are being filled.

Discussion

There are two issues in these grievances. The first is that all volunteers to work on the project were not allowed to do so. The second is whether or not Company violated Section 24.5 as clarified through Arbitration Decision 128.

The PRC is in agreement that no employee had a contractual entitlement to work in the General Office, that Company has discretion to determine who will be assigned to temporary work locations. The contract provides in Titles 10 and 15 how employees assigned to work at temporary headquarters are to be compensated. Company made the decision to accept those volunteers that were already trained to perform the work. While Company still had to train the agency workers, there weren't the added expenses that would apply to bargaining unit employees.

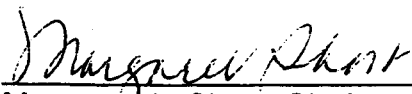
As to the second issue, the PRC is in agreement that this project meets the definition of Subsections 24.5(a) and (b) as appropriate instances to use temporary workers, i.e., a specific special function and/or insufficient regular employees to perform the work. As such, pursuant to Arb. 128, these agency workers could be utilized for a period not to exceed 90 workdays, unless an agreement is reached with Union to extend the agency workers. No agreement was sought to extend the agency workers beyond the 90 workdays.

Decision

The PRC agrees to close this case by paying dues to Union. Dues shall be calculated for those days that exceed 90 workdays after the first 30 calendar days of assignment, based on the Sr. Operating Clerk rate of pay.

Further, Company agrees that should the services of the current two or any additional agency workers be needed in excess of 90 workdays, Company will seek an extension agreement from Union.

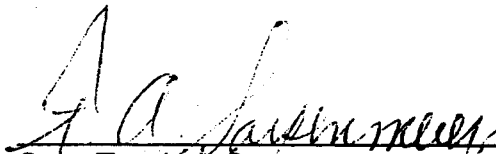
These cases and others concerning this same issue open at lower steps in the grievance procedure are to be closed in accordance with this decision.



Margaret A. Short, Chairman
Review Committee

9/20/04

Date



Sam Tamimi, Secretary
Review Committee

9/22/04

Date