

PG-1E**FOR INTRA - COMPANY USES**

6

DIVISION OR
DEPARTMENT
FILE NO.
RE LETTER OF
SUBJECT

INDUSTRIAL RELATIONS AL 1245 I.B.E.W.
741.5

Review Committee Files Nos. 861, 862, 863, 916, 917, 980 and 1240
East Bay Division Grievances Nos. D.Gr/C 1-69-1, 1-69-3, 1-69-4,
1-69-15, 1-69-16, LIC 1-70-10 and D.Gr/C 1-73-1

Review Committee Files Nos. 1296 and 1362
VP&Comptroller Grievances Nos. D.Gr/C 22-73-4 and 22-74-1, 2 & 3

Review Committee Files Nos. 1127, 1208, 1219 and 1302
San Francisco Division Grievances Nos. D.Gr/C 2-71-24, 2-72-19,
2-72-22 and 2-73-14

Review Committee Files Nos. 757, 799, 817, 929, 1042, 1069 and 1280
San Jose Division Grievances Nos. D.Gr/C 8-67-5, 8-68-4, 8-68-9,
8-69-16, 8-70-17, 8-71-5 and 8-73-15

Review Committee File No. 1303
Shasta Division Grievances Nos. 13-73-2 and 13-73-3

Change of Hours

May 2, 1975

MR. C. E. ALTMAN, Chairman
East Bay Division
Joint Grievance Committee

MR. W. K. SNYDER, Company Member
VP & Comptroller
Local Investigating Committee

MS. SHIRLEY STOREY, Union Member
VP & Comptroller
Local Investigating Committee

MR. C. A. MILLER, Chairman
San Francisco Division
Joint Grievance Committee

MR. F. L. NETTELL, Chairman
San Jose Division
Joint Grievance Committee

MR. A. E. HENDERSON, Chairman
Shasta Division
Joint Grievance Committee

In his letters of October 10, 1974 on the above-subject grievances, Mr. L. V. Brown, Chairman of the Review Committee, informed you that the above-subject grievances had been submitted to Ad Hoc negotiations for settlement. Since October 10, 1974, Company and Union have negotiated a Labor Agreement Clarification applicable to Title 10 - "Hours" of the Clerical Agreement. A copy of this clarification will be forwarded under separate cover. The Ad Hoc Negotiating Committee has

also agreed on the settlements to be applied to each of the above cases which are listed below. I am, therefore, referring these cases back to your committees for settlement in accordance with the agreement on the following basis:

EAST BAY DIVISION

Review Committee Case No. 861 - D.Gr/C 1-69-1

Since Mr. Steinmetz was removed from his 7:15 AM to 4:15 PM schedule and placed on an 8:00 AM to 5:00 PM schedule, he was entitled to three-quarters of an hour's pay at the overtime rate for four days. The other grievant has retired.

Review Committee Case No. 862 - D.Gr/C 1-69-3

Grievant Cooper was entitled to one-half an hour's pay at the overtime rate for the first four days of his new assignment.

Review Committee Case No. 863 - D.Gr/C 1-69-4

This grievance is similar to R.C. Case No. 861, the difference being that Mr. Steinmetz was properly paid but the other grievant, had he not retired, would have been entitled to the same compensation as Mr. Steinmetz will receive in Case No. 861.

Review Committee Case No. 916 and Case No. 917 - D.Gr/C 1-60-15 and 1-69-16

These cases pertain to changes of hours for part-time employees, who were also students, during the summer vacation period. Since such changes are subject to agreement between Company and Union in the future and since the contract was not clear at the time of the grievances, the cases are closed without adjustment.

Review Committee Case No. 980 - L.I.C. 1-70-10

This grievance is in two parts. It has to do with changes in the schedule of hours of part-time public-contact employees, as well as the rate of pay of the lead clerk. The hours portion will in the future be covered by the provisions of both Review Committee Decision 800 and the clarification. It is, therefore, closed without adjustment. The issue as to the rate of pay was also closed without adjustment since the Union accepted without grievance the assignment of a full-time Clerk B to perform this same function.

Review Committee Case No. 1240 - D.Gr/C 1-73-1

Since the provisions of the new clarification were followed in this case, it is closed without adjustment.

GENERAL OFFICE

Review Committee Case No. 1296 - D.Gr/C 22-73-4

Four Clerk D's, specifically Bonita Rose, Joseph Ma, Jim Clifford and Frank Chow, were transferred from the 8:30 AM to 5:00 PM shift to the midnight to

8:00 AM shift, one week each, and in succession, during the spring of 1973. Each of the four grievances should have been paid eight hours at the overtime rate (including shift premium) for the first four days of his or her assignment.

Review Committee Case No. 1362 - D.Gr/C 22-74-1, 2 & 3

This case involves three separate grievances. Grievant Brown, a Mail Clerk Driver on a 5:30 PM to 1:30 AM schedule, was assigned to work from 8:00 AM to 6:30 PM on May 2, 1974. Since this assignment comes under the provisions of Section 12.1 and not the clarification, he should have been paid eight hours at the overtime rate plus one-half hour for meal time and his travel time to work on the day in question. It is presumed that he has already been paid overtime for the hours worked beyond eight on that date. Joseph Ma, Clerk D, was switched from a schedule of 8:30 AM to 5:30 PM to a schedule of 12:30 AM to 8:30 AM on May 13, 14, 16 and 17, 1974, and May 27, 28, 29, 30 and 31, 1974. Mr. Ma was off sick on May 15, 1974. He should have been paid at the overtime rate plus shift premium for eight hours on May 13, 14 and 16 and 27, 28, 29 and 30, 1974. John Alvarez, Mail Clerk Driver, whose regular hours of work were 5:15 PM to 1:15 AM, worked from 8:00 AM to 5:30 PM on May 20, 1974. Mr. Alvarez should have been paid seven and three-quarter hours at the overtime rate plus one-half hour for meal time and travel time at such rate for May 20, 1974, for the same reasons which are applicable in the case of Mr. Brown.

SAN FRANCISCO DIVISION

Review Committee Case No. 1127 - D.Gr/C 2-71-24

Four Clerk D's were upgraded to Customer Service Clerk (more or less on a subject-to-bid basis) in the middle of the workweek and their hours changed from 8:00 AM to 5:00 PM to noon to 9:00 PM. Employees Crockwell, Wolff, Oliveria and Dawson should have been paid at the overtime rate for Thursday, October 14, 1971 and Friday, October 15, 1971 for four hours each.

Review Committee Case No. 1208 - D.Gr/C 2-72-19

Mr. D. Venturi, a Meter Reader, was upgraded from Meter Reader to Customer Service Clerk on the 8:00 AM to 5:00 PM shift and was subsequently assigned to relieve on the 11:00 AM to 8:00 PM shift for one week. He should have been paid at the overtime rate for three hours per day for the first four days of such assignment.

Review Committee Case No. 1219 - D.Gr/C 2-72-22

D. Kosta, a Customer Service Clerk, was temporarily upgraded to Clerk B on Friday, September 1, 1972 and switched from the 9:00 AM to 6:00 PM shift to the noon to 9:00 PM shift. This assignment continued for the duration of the following week. Grievant should have been paid at the overtime rate for three hours on Friday, September 1, 1972.

Review Committee Case No. 1302 - D.Gr/C 2-73-14

The grievant, Gary Griffin, a Meter Reader, was upgraded to Customer Service Clerk with hours of 8:00 AM to 4:45 PM in April of 1972. He was trans-

ferred to the 11:00 AM to 8:00 PM shift for four days commencing May 29, 1973 and again for approximately four weeks commencing June 25, 1973. He should have been paid at the overtime rate for three and one-half hours per day for the first four days of each assignment.

SAN JOSE DIVISION

Review Committee Case No. 757 - D.Gr/C 8-67-5

There was no violation in this case as three Customer Service Clerks were changed to a new set of hours after one month's notice and discussion with the Union.

Review Committee Case No. 799 - D.Gr/C 8-68-4

In this case, one of the three employees in R.C. Case No. 757 was replaced on the afternoon shift because of ill health. These two cases (Nos. 757 and 799) are closed without adjustment.

Review Committee Case No. 817 - D.Gr/C 8-68-9

Grievant Alice Phillips, a Customer Service Clerk, relieved a PBX Operator one-half hour before the start of the grievant's regular work hours. It is our understanding that Ms. Phillips is no longer on the payroll, but if she is, she will be paid one-half hour at the overtime rate for the first four days of the assignment.

Review Committee Case No. 929 - D.Gr/C 8-69-16

The hours of two Customer Service Clerks were changed and we assume that proper notice was given. In accordance with the clarification, the grievants, Ramsey and Mankin, should have been paid at the overtime rate for those hours which are outside 8:00 AM to 5:00 PM on the first four work days of the assignment. Neither the grievance nor the Joint Statement of Facts in this case, nor anything else in the file, indicates the hours that were actually worked by the two grievants.

Review Committee Case No. 1042 - D.Gr/C 8-70-17

Ms. Manfre and Ms. Daley were upgraded from Clerk D to relieve Customer Service Clerks for vacation relief. During the period of the upgrade they were scheduled to work on Saturday, August 29, which was a non-work day for both grievants. They should have been paid at the overtime rate for Saturday, August 29, 1970.

Review Committee Case No. 1069 - D.Gr/C 8-71-5

An unidentified Clerk A was in the ACDS Section, had his or her hours changed from 8:00 AM to 5:00 PM to 9:00 AM to 6:00 PM effective January 20, 1971. Presuming that we can identify this employee, he will be paid at the overtime rate for one hour per day for the first four days of the assignment instead of straight time.

Review Committee Case No. 1280 - D.Gr/C 8-73-15

On April 2, 1973, a substantial number of employees in the ACDS Section of the San Jose Customer Services Office had their schedules adjusted. On the basis of the file, four people were changed from their previous hours to a schedule of 10:00 AM to 6:45 PM. Those employees assigned to this schedule should have been paid at the overtime rate for those hours outside of their former hours for the first four work days of the assignment.

SHASTA DIVISION

Review Committee Case No. 1303 - 13-73-2 & 3

A part-time Clerk D, whose regular schedule was 9:30 AM to 1:30 PM, Monday through Friday, was upgraded and called in to work from 8:00 AM to 5:00 PM on six separate days commencing April 2, 1973 and extending through May 1, 1973. Since we do not consider the notice adequate, we believe R.C. Decision 800 applies and the grievant, L. Bedford, was entitled to pay at the overtime rate between 8:00 AM and 9:30 AM on the six days involved and, in addition, was entitled to travel time to work.

It was agreed by the Ad Hoc Committee that such assignments to part-time employees who are hired with the understanding that they will also provide vacation and other extended relief may upon proper notice be transferred to a full-time schedule which may begin prior to the starting time of the employee's part-time schedule without the payment of overtime. Such assignments must obviously be in increments of one week or more.

These cases will be considered closed after the necessary adjustments have been made. The closures should be so noted in the minutes of your next Joint Grievance Committee meetings.

I. Wayland Bonbright
I. WAYLAND BONBRIGHT

IWB:RS

cc: JHBlack	ADowen
VHLnd	RBHazel
FCMarks	AWDeJoe
WDSkinner	ECSuess
MJStone	Div. Pers. Mgrs.
JAFairchild	LN Foss, IBEW
PMatthew	MAWalters, IBEW

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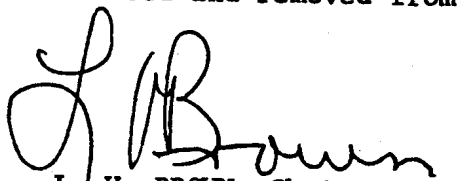
October 10, 1974

MESSRS. I. WAYLAND BONBRIGHT
✓ L. L. MITCHELL, IBEW

This letter cancels and supersedes our letter to you of July 1, 1974.

Pursuant to the provisions of Title 9 of the Clerical Agreement and its related amendments dated November 1, 1973 and March 8, 1974, the Review Committee has agreed to suspend the above-subject grievances in accordance with Item II-D (4) of the Review Committee procedure.

Attached is the complete Review Committee files, and upon your receipt of the file, the cases will be considered closed and removed from the agenda of the Review Committee.


L. V. BROWN, Chairman
Review Committee

DJBergman:rto

Attachments