



PACIFIC GAS AND ELECTRIC COMPANY
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MARGARET A. SHORT, CHAIRMAN

DECISION
 LETTER DECISION
 PRE-REVIEW REFERRAL

REVIEW COMMITTEE

RECEIVED by LU 1245
 July 27, 2006

**CASE CLOSED
 FILED & LOGGED**



INTERNATIONAL BROTHERHOOD OF
 ELECTRICAL WORKERS, AFL-CIO
 LOCAL UNION 1245, I.B.E.W.
 P.O. BOX 2547
 VACAVILLE, CALIFORNIA 94696
 (707) 452-2700
 SALIM A. TAMIMI, SECRETARY

Arbitration Case No. 273
 Review Committee File No. 15478, 15553, 15941, 16179

Margaret Franklin
 Company Member
 Local Investigating Committee

Mike Grill
 Union Member
 Local Investigating Committee

Subject of the Grievance

This arbitration file contains grievances challenging an Oral Reminder, Written Reminder, Decision Making Leave, and discharge of a long service Fresno Meter Reader. All disciplinary steps and the discharge were for conduct related issues.

Facts of the Cases

Briefly, the OR resulted from a telephone conversation with a Safety, Health, and Claims Representative. It is alleged that the grievant was rude and slammed the phone down to end the conversation. The grievant denied it.

The WR involved an interaction with a customer and a failure to read the customer's meter.

The DML resulted when the grievant refused to answer the supervisor's question regarding an upgrade to Sr. Meter Reader and calling his supervisor a "pervert". The grievant alleged the supervisor told him "you have issues."

After an incident where the grievant lost his ITRON device and it was later found damaged beyond repair, the grievant's employment was terminated effective October 13, 2005.

Discussion

This case was discussed at length at each step in the grievance procedure prior to referral to arbitration. An arbitration hearing was conducted on June 1, 2006.

After Company's first witness, the supervisor, the arbitrator indicated he'd reached a bench decision.

The arbitrator stated:

- this case was unusual because it involved several grieved disciplinary steps, all before him.

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- everyone in the Company took action that was reasonable and thoroughly investigated. This was impressive.
- he was unimpressed with how many incidents were involved and that there is a pattern to the inappropriate behavior.
- that the grievant is hanging by the proverbial silver thread.
- good paying Union jobs with benefits are not as plentiful as they once were. The world is changing.
- when an employee loses his job over things under their control to change, it is sad.
- Company has two problems with its case. The customer involved in the WR was not available to provide testimony in the arbitration hearing and the discharge incident involving loss of the datacap is carelessness and different than the other incidents resulting in discipline, which all involved inappropriate interactions with others.

The arbitrator ordered the following:

- Reinstatement with no back pay to Meter Reader, Madera.
- The grievant is precluded from bidding/transferring to the Fresno Meter Reading Department during the 12 month active period of the DML.
- DML active for 12 months from the date of return, July 17, 2006.
- A post DML coaching and counseling upon return to work to address the loss of ITRON and future performance and behavior expectations.
- Any disciplinable event will result in the grievant's discharge with limited access to the grievance procedure only to establish the facts.
- Company and Union are to draft a last chance agreement that the parties and the grievant will sign.
- Company and Union are to agree upon a procedure for investigating any future customer complaint concerning this grievant.
- A Return to Work DOT drug test. If positive, the parties will discuss the consequence.
- The arbitrator retains jurisdiction over a future discharge of this grievant.

Following the above decision, the grievant indicated he had a medical condition that precluded him from wearing any of the ITRON securing devices. Company indicated it was unaware of any such preclusion. It was agreed that an opinion would be sought from the grievant's treating doctor as to whether he is precluded from using any or all of the several authorized devices.

Decision

This case is closed on the basis of the above and the adjustments contained herein.

For the Company:

Margaret A. Short
Bob Lipscomb
Dave Morris
Craig Porter

For the Union:

Sam Tamimi
William R. Bouzek
Louis Mennel
Sherrick A. Slattery

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By: Margaret Short

By: Salim A. Gammari

Date: 7/14/06

Date: 7-17-06