



REVIEW COMMITTEE



PACIFIC GAS AND ELECTRIC COMPANY
LABOR RELATIONS DEPARTMENT
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INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W.
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VACAVILLE, CALIFORNIA 94696
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JOHN MOFFAT, CHAIRMAN

BOB CHOATE, SECRETARY

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

Arbitration No. 289
Review Committee No. 17538
Energy Delivery - General Construction - Fresno

Monica Oakes
Company Member
Local investigating Committee

Mike Haentjens
Union Member
Local Investigating Committee

Grievance Issue:

The grievance concerns the Company issuing a DML and permanently demoting the employee from the Subforeman A classification.

Facts of the Case:

This case was discussed at length in all the steps of the grievance procedure. The DML has been deactivated and the employee is currently working as a Lineman.

In December 2006 and January 2007, the Supervisor received complaints from four employees that the grievant was being "hard on them." About the same time several calls were made to the Compliance and Ethics Hotline alleging safety concerns related to the grievant. The Supervisor met with the grievant and his crew, but the employees were unwilling to share any concerns. At that time the Supervisor changed the Subforeman's assignment.

In March some of the employees from the old crew began sharing the concerns they had with the Supervisor who then met with the grievant. Based on the allegations, the Supervisor continued the separation of the Subforeman from the complainants and launched a full investigation. Seven employees were interviewed. They relayed incidences of harassment by the grievant and giving direction to perform work in conflict with safe work practices. Specifically instructing employees to proceed without first spiking cables to test, cutting hot jumpers off the pole with banana cutters; and not grounding.

Discussion

At the outset, the parties agreed that the DML was for just cause as the above are all very serious violations of safe work practices. The discussion then turned to the permanent demotion. Union argued that this is a long service employee with 13 years as a crew leader and no active discipline; further the purpose of discipline is to change behavior. By permanently demoting the employee, he would not have the opportunity to demonstrate changed behavior.

The Company responded that permanent demotions are warranted in circumstances such as in this case. The facts of this case are that the grievant put others at risk of injury or worse by his instructions, even over the employee protests and questioning of his instructions. The Company cited PRC 2177 as an example where similar conduct resulted in the discharge of the crew lead, and pointed out that in the instant case, the grievant's length of service was a mitigating factor to discharge. The Company also cited Arb.256 in which the parties agreed to a permanent demotion from Troubleman to Lineman and a permanent preclusion from Electric Crew Foreman.

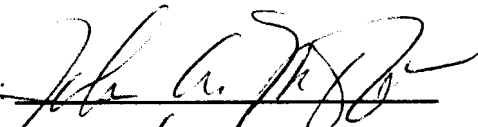
Decision

Based on the previous discussion in the Review Committee, parties agree that the DML was for just cause. In regards to the permanent demotion from Subforeman to Lineman the parties agree that the grievant can now bid to a lead classification.

This case is closed without further adjustment


For the Company:

John A. Moffat
Gayle Hamilton
Dave Morris
Malia Wolf

By: 
Date: 3/31/09

For the Union:

Bob Choate
William R. Bouzek
Louis Mennel
Karen Russell

By: 
Date: 3/31/09