



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.
P.O. BOX 2547
VACAVILLE, CALIFORNIA 94696
(707) 452-2700

JOHN MOFFAT, CHAIRMAN

BOB CHOATE, SECRETARY

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

**Arbitration No. 291
Review Committee No. 17908
Energy Delivery – GC Gas - Antioch**

Joe Cerruti
Company Member
Local investigating Committee

Mike Haentijens
Union Member
Local Investigating Committee

Grievance Issue:

The Grievant was discharged for violation of the Company's Conduct Standard Practice.

Facts of the Case:

The Grievant is a General Construction employee. One of the Grievant's female co-workers alleged he engaged in inappropriate conduct towards her during non-working hours at the hotel the crew was staying in. Both employees had consumed alcohol prior to the Grievant's alleged misconduct. On November 6, 2007, based on the findings of a Company investigation surrounding the incident, the Grievant was terminated.

Discussion:

This case has proceeded through the steps of the grievance process and was pending arbitration. The Union contented the case was a "he said she said case" and that there was insufficient proof to discipline the Grievant for an after hours incident. The Company maintained that the statement of the co-worker and another worker she spoke with after the event that was obtained as part of the investigation supported the disciplinary action.

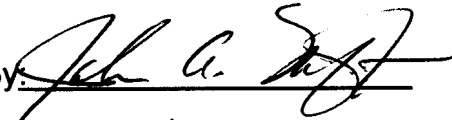
Decision:

After significant discussion regarding the incident itself and the parties involved, the parties negotiated a confidential monetary settlement and agreed to return the grievant back to his former classification in General Construction. The Grievant will be placed at the DML step of Positive Discipline with a limitation that if he has any conduct violation during the active period of the DML he will be subject to discharge. Work Performance or Attendance will be treated as if the DML does not exist. The Grievant will also be required to pass the DOT mandated drug and alcohol testing program prior to returning to work.

This case is closed without further adjustment and without prejudice. The parties agreed that this case is settled on its unique facts and is non precedential.

For the Company:

John Moffat
Gayle Hamilton
Dave Morris
Malia Wolf

By: 

Date: 3/23/10

For the Union:

Bob Choate
William R. Bouzek
Louis Mennel
Karen Russel

By: 

Date: 3/23/10