

REVIEW COMMITTEE

PG and E

IBEW 

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D.J. BERGMAN, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

Sacramento Division Grievance No. 6-63-78-15
Fact Finding Committee No. 905-78-198
P-RC 410
Disciplinary Action, Serviceman

February 9, 1979

MR. R. H. TAYLOR, Company Member
Sacramento Division
Local Investigating Committee

MR. A. E. SANDOVAL, Union Member
Sacramento Division
Local Investigating Committee

The above-subject grievance has been discussed by the Pre-Review Committee prior to its docketing on the agenda of the Review Committee and is being returned, pursuant to Section I B(2) of the Review Committee procedure, to the Local Investigating Committee for settlement in accordance with the following:

This case concerns the one-day disciplinary layoff of a Gas Serviceman in Sacramento for alleged misconduct in using abusive language to an exempt supervisor. The facts indicate that the grievant was disturbed over a change in work procedures, which had recently been instituted, and on Monday, April 24, 1978, the grievant, after returning from vacation, went into the supervisor's office and discussed the matter with him. The discussion ended apparently satisfactorily, and the Serviceman went to work. That afternoon, approximately ten minutes before quitting time, the grievant and a number of Servicemen were gathered in the Serviceman's assembly room. The District Service Foreman entered the room to converse with the employees when the grievant again raised the question of the revised work procedures. During the course of the conversation, the grievant allegedly made (1) a derogatory statement about the District Gas Superintendent; (2) made a demeaning remark to a Service Foreman who had just entered the room; (3) questioned the District Service Foreman's previous experience in performing service work; and (4) threatened to make an issue of the work practice at the next safety meeting. Although there is substantial conflict in the testimony of various witnesses, including other Servicemen and Service Foremen, as to the grievant's exact language, it is clear that the remarks which he made were inappropriate.

It is just as clear from the facts presented that the District Service Foreman did not take positive measures at the time of the incident to either terminate the conversation with the employee, confront him with the severity of the incident, nor warn of possible disciplinary action, either on the basis of what had been said or what might be said.

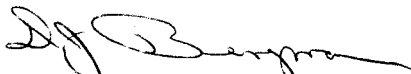
The record indicates that the grievant had been previously counselled on two occasions within a six-month period for making allegedly disrespectful remarks


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about supervisors. Neither of these prior sessions were documented, however, and it appears that supervision was content to let the incidents go with oral counselling. The present incident appears to be a continuation of this same conduct, however, and some disciplinary action appears to be in order.

The Pre-Review Committee is normally reluctant to impose its judgment on that of the supervisor regarding appropriate disciplinary action for a proven offense. In this case, however, the Committee believes that the day off without pay, which the grievant received as disciplinary action, was too strong and is to be rescinded. This is based on the Committee's belief that had the District Service Foreman been as offended as this disciplinary action seems to indicate, he would have taken action immediately when the incident occurred. By his not doing so, he did nothing to change the atmosphere in which context the remarks were made. In fact, the record indicates that the supervisor attempted to explain the reason for the change in work procedure with a flip, obscene remark of his own. As appropriate disciplinary action, the Pre-Review Committee recommend that the grievant receive a disciplinary letter outlining the nature of the incident, using the facts developed by the Local Investigating Committee with a warning that any future conduct could result in more severe disciplinary action.

This case is considered closed on the basis of the foregoing and the closure should be so noted by the Local Investigating Committee.


D. J. BERGMAN, Chairman
Review Committee


L. N. FOSS, Secretary
Review Committee

DJB:rto

cc: SEHowatt
IWBonbright
LVBrown
Personnel Managers