

REVIEW COMMITTEE**PG and E****IBEW** 

PACIFIC GAS AND ELECTRIC COMPANY
245 MARKET STREET, ROOM 444
SAN FRANCISCO, CALIFORNIA 94106
(415) 781-4211, EXTENSION 1125

CASE CLOSED MAR 24 1983
LOGGED AND FILED

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W.
P.O. BOX 4790
WALNUT CREEK, CALIFORNIA 94596
(415) 933-6060
R.W. STALCUP, SECRETARY

D.J. BERGMAN, CHAIRMAN

RECEIVED MAR 24 1983

- DECISION
 LETTER DECISION
 PRE-REVIEW REFERRAL

General Construction 3-1118-82-77
P-RC 816

March 23, 1983

MR. R. S. BAIN, Chairman
General Construction
Joint Grievance Committee

MR. G. VALLEY, Chairman
General Construction
Joint Grievance Committee

Grievance Issue

Letters of reprimand and two disciplinary days off issued to a Painter A for insubordination.

Facts of the Case

The grievant has been employed with the Company since September 17, 1977. There is no written record of any disciplinary action taken against the grievant prior to the discipline which is subject to this case.

On July 22, 1982, the grievant was assigned to clean two crew meeting rooms at Diablo Canyon Power Plant. While cleaning one of the meeting rooms, the grievant removed a bench from the room and placed it outside. The method of removal is in dispute: The grievant told the Local Investigating Committee that he dragged the bench to the crew room door, and that the legs of the bench got caught on the 2x4 portal causing the bench to tip over and fall outside; the grievant's Working Foreman told the Local Investigating Committee the grievant threw the bench out of the door. In any case, the Working Foreman immediately instructed the grievant to put the bench back in the crew room. The grievant responded to the Working Foreman by requesting that he (the Working Foreman) help move the bench because he (grievant) thought the bench was too heavy. The Working Foreman declined to help. The Working Foreman then obtained a witness and, in the witness' presence, again instructed the grievant to return the bench to the crew room. The grievant again stated that he needed help with the bench, and asked the witness to assist him. The witness declined to assist the grievant because (he told the Local Investigating Committee) he did not wish to be further involved in the supervisor-employee confrontation.

The subject bench weighs approximately 50 pounds. The grievant had no physical limitations at the time the subject incident occurred.

On July 23, 1982, the grievant was issued a written reprimand for his refusal to obey the Working Foreman's directive to place the bench in the crew room.

March 23, 1983


On July 26, 1982, the grievant was issued another written reprimand for the same incident. This letter instructed the grievant to take two days off without pay as disciplinary action for the subject infraction.

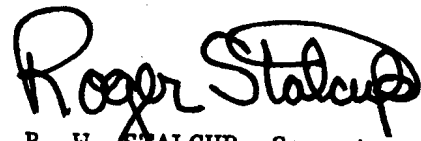
Discussion

The Union noted that the grievant never refused to obey his supervisor's instruction, that he only requested assistance to return the bench to the crew room. As such, the Union contended, the discipline was too severe. The Company maintained that the grievant's attitude, responses and comments toward his supervisor constituted insubordination; as such, Company stated, the disciplinary time off was justified.

Decision

The Pre-Review Committee can find no direct evidence in the record which indicates that insubordination occurred in this case. Additionally, the Committee views the issuance of two separate letters of reprimand for the same infraction to be "double jeopardy;" as such, the two letters are inappropriate, if not unsupportable. Therefore, 1) the two disciplinary days off will be rescinded and the grievant paid accordingly, 2) the two subject reprimand letters will be removed from all records and destroyed, and 3) a new reprimand letter will be issued to the grievant to reflect the foregoing and eliminate the references to insubordination. The case is closed on this basis.


D. J. BERGMAN, Chairman
Review Committee


R. W. STALCUP, Secretary
Review Committee

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