

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 BAN 6 1984
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

- DECISION
 LETTER DECISION
 PRE-REVIEW REFERRAL

North Bay Division Grievance No. 4-969-82-120 & 4-973-82-124
P-RC 847

December 23, 1983

RECEIVED JAN 05 1984

MR. D. F. KOZEL, Company Member
North Bay Division
Local Investigating Committee

MR. F. HUTCHINS, Union Member
North Bay 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 Step Five A(ii) of the grievance procedure, to the Local Investigating Committee for settlement in accordance with the following:

Subject of the Grievance

This case concerns a one-day disciplinary layoff given to five Meter Readers in Napa for congregating at a restaurant during their lunch break.

Facts of the Case

On October 22, 1982, the five Meter Readers were assigned to read the "v" serial which placed them all in the same general route and geographic area. The Customer Services Supervisor decided to conduct an impromptu audit shortly before noon. He enlisted the assistance of the Head Meter Reader. After they could not locate one of the grievants on his route, they drove to a restaurant and discovered four Company trucks in the parking lot. At approximately 12:30 p.m., the Meter Readers left the restaurant and returned to the trucks. They were confronted by the supervisor at this point concerning their familiarity with the congregating policy. All but one admitted knowledge of the rule which states:

"Do not congregate. More than one employee or more than one vehicle at the same location (for lunch, coffee or any other reason) is considered congregating. Exceptions may arise where more than one person is in a vehicle for reasons relating to training, combined transportation to and from a route, etc. This will not constitute congregating unless employees are found in a public restaurant or coffee shop together."

Discussion

The Union argued in this case that the Company has no right to establish such a rule during the lunch period since it is non-paid time. Union further argued that the rule is unreasonable and inflexible. As is noted in the Local Investigating Committee Report, all five employees were assigned to read meters

December 23, 1983

from a single serial on routes that were adjacent to each other. This fact would clearly place all five employees in close proximity not only during work hours but also at break and lunch time, creating a situation in which the employees must stagger their lunch break if more than one employee desires to eat lunch in the restaurant. It was noted that the restaurant in which the five employees ate their lunch is in the general route area of the five employees. It was also noted that on the date of this incident, two of the employees traveled from the headquarters to their assigned route in a single Company vehicle. However, the congregation rule absolutely prohibits two or more employees who are assigned adjacent routes from having lunch together; it also prohibits two or more employees assigned to a single vehicle from having lunch together in a public establishment. Company admits that it was appropriate for each of the five employees to have eaten lunch at the restaurant in question but argued that the rule was violated when two or more employees were there at the same time.

The Company responded that the rule was established because of Company's concern with its public image; that prohibiting field employees from congregating in public restaurants, coffee shops, stores, and the like is an effort to forestall customer complaints. With this in mind, the lunch break is in the middle of work hours and the fact that it is non-paid is irrelevant. The Company further stated that there are other rules established by the Company that are also applicable to the lunch break, i.e., no drinking of alcoholic beverages during working hours (P-RC 414).

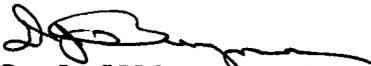
The Pre-Review Committee also discussed the obligation of employees to follow rules, practices and policies established by the Company even if the employees disagree. When an employee knowingly disobeys a rule he does not agree with, he is resorting to self-help and subject to discipline. The proper manner for an employee to express disagreement is through the grievance procedure.

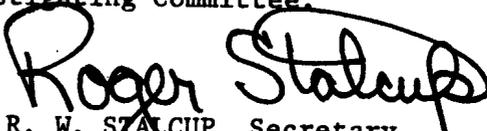
Decision

The Pre-Review Committee agreed to settle this case in the same manner as others which have been filed concerning the issue of congregation of field employees. That is, the first Meter Reader in the restaurant is not obliged to "play policeman". Therefore, grievant Gavin will have the disciplinary day off restored and the letter of reprimand rescinded. Just and sufficient cause existed for disciplining the other four Meter Readers, and the case is closed without further adjustment.

However, the Pre-Review Committee recommends that the Division review its policy with respect to congregation to consider making it more flexible.

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


D. J. BERGMAN, Chairman
Review Committee


R. W. STALCUP, Secretary
Review Committee

MAShort(1123):ml