

**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**  
**LOGGED AND FILED**

JUN 13 1984

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 JUN 13 1984**

- ☐ DECISION  
☐ LETTER DECISION  
☐ PRE-REVIEW REFERRAL

Drum Division Grievance No. 15-95-82-8  
P-RC 916

June 8, 1984

MR. F. L. CLARK, Company Member  
Drum Division  
Local Investigating Committee

MR. E. A. FORTIER, Union Member  
Drum 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:

This grievance concerns the appropriateness of a one-day disciplinary suspension and disciplinary letter given to an Electrical Maintenance Helper for not reporting for a prearranged overtime assignment as instructed. On Wednesday, July 28, 1982, the temporary Maintenance Foreman informed the grievant and three other employees that they would have to work on Saturday, July 31 on a prearranged assignment. The grievant indicated that he would not be able to report for the assignment because he had made weekend plans to work on a jeep vehicle with his brother. The temporary Maintenance Foreman informed the grievant that he would attempt to obtain a replacement for him and get back to him regarding his status for the assignment. On Thursday, July 29, the temporary Maintenance Foreman informed the grievant that he would have to work on July 31 because a replacement could not be obtained. The grievant responded that he could not break his plans and would not be able to work. The temporary Maintenance Foreman then reiterated to the grievant that he would have to report for the assignment with the grievant's response being "no way." The grievant also remarked, "don't be surprised if I'm not there." The temporary Maintenance Foreman subsequently responded, "ok, then don't be surprised if it doesn't go your way when the trouble starts." At the end of the workday on Friday, July 30, 1982, the temporary Maintenance Foreman commented to the grievant that he would see him at 7:00 a.m. on July 31. The grievant shook his head from side to side indicating a negative response. Of the four employees required to report for the prearranged overtime assignment at Drum Powerhouse on July 31, 1982, only the grievant did not report.

Discussion

There is no dispute that the grievant was notified on several occasions that he was expected to report for the July 31 prearranged overtime assignment. There also is no dispute that the grievant indicated on several occasions he would not show up for the assignment. The Union initially argued that despite the repeated indications by the grievant that he would not report,


June 8, 1984

the Company never specifically informed him that his failure to report would subject him to disciplinary action; and since such a specific warning was not issued, the grievant believed he was not obligated to report as instructed.

In addressing the issue of forewarning, the Committee reviewed Review Committee decision No. 1357 in which a two and a half day disciplinary layoff was given to a Gas Serviceman for his failure to perform work after being instructed to do so by a supervisor. In that case, the Review Committee determined that there were two areas in dispute. First, whether the grievant was insubordinate and second whether the punishment was reasonable in view of the circumstances. The Review Committee determined in that case the supervisor requested the grievant to work; and for whatever reason, the grievant refused. The Committee also recognized that the supervisor did not forewarn the grievant of what might happen if he refused to do the work, but agreed this in itself does not alter the fact that the grievant was insubordinate by refusing to work. The Review Committee also determined that the discipline in that case, the 2½ day disciplinary suspension was reasonable; and the case was closed without adjustment.

#### Decision

The Pre-Review Committee, after reviewing the facts of this case and Review Committee decision No. 1357, agreed that even though the grievant was not forewarned of the potential discipline for refusal to work, the fact that the employee refused to report was in itself insubordination and just cause for disciplinary action. The Committee also agreed that the one-day disciplinary suspension was reasonable and, therefore, closes this case without adjustment. Closure should be so noted by the Local Investigating Committee.



L. V. BROWN, Chairman  
Review Committee



R. W. STALCUP, Secretary  
Review Committee

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