

REVIEW COMMITTEE

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

CASE CLOSED AUG 8 1985
LOGGED AND FILED
RECEIVED AUG 7 1985

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

Coast Valleys Division Grievance No. 18-866-84-8 (P-RC 988)

Coast Valleys Division Grievance No. 18-837-83-90

(Fact Finding No. 2901-83-322)

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

August 7, 1985

MR. L. CAMPBELL, Company Member
Coast Valleys Division
Local Investigating Committee

MR. D. H. REESE, Union Member
Coast Valleys 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(1) of the grievance procedure, to the Local Investigating Committee for settlement in accordance with the following:

Subject of the Grievance

This case concerns a letter of reprimand dated January 27, 1984 and the demotion of a Santa Maria Garage Subforeman to an Equipment Mechanic in San Luis Obispo due to performance discrepancies.

Facts of the Case

The grievant was employed on January 5, 1968 and progressed to Garage Subforeman in June 1980. His disciplinary history is as follows:

- 9/8/78 Disciplinary letter confirming three-day layoff for leaving a vehicle in an unsafe working condition and falsifying Company records as an Equipment Mechanic.
- 3/19/81 Counselling regarding Garage Subforeman responsibilities.
- 10/12/83 Disciplinary letter confirming three days off and demotion to Equipment Mechanic for utilizing Company facilities and equipment for personal projects; not properly supervising employees; leaving work early; making tire purchases without proper authorization, or following required procedures; improperly storing tire casings; backlog of complaint tags; and unprocessed certification documents and decals. This action was the subject of Fact Finding Case No. 2901-83-322, which resulted in a reduction of the three-day layoff to two days and reinstatement of the grievant to the Garage Subforeman classification retroactive to the date of demotion (October 12, 1983). This decision was fully signed on July 5, 1984.

- 1/27/84 Letter of reprimand (subject of this grievance) for eight improperly stored tire casings; accepting ten repaired tires that did not meet Company standards for recapping; unacceptable audit rating.
- 4/25/84 Letter of reprimand for failure to observe and correct a brake problem on a line truck on April 5, 1984. He was working as an Equipment Mechanic.
- 7/23/84 Letter stating that, because of the January 27, 1984 and April 25, 1984 letters, upon return to work from the Compensation Payroll, grievant will again be demoted to Equipment Mechanic. Grievant returned to work on October 8, 1984.

Following the first demotion on October 12, 1983, the grievant's status has been:

- | | |
|---------|--|
| 1/27/84 | Medical Leave of Absence. |
| 4/2/84 | Returned to work as an Equipment Mechanic. |
| 4/12/84 | Compensation Payroll. |
| 10/8/84 | Returned to work as an Equipment Mechanic. |
| 11/6/84 | Compensation Payroll. |

Discussion

It is interesting to note that the January 27, 1984; April 25, 1984 and July 23, 1984 letters were all issued while the grievant was off the active payroll. In addition, even though the earlier Fact Finding Decision reinstated the grievant as a Garage Subforeman, he has not worked in that capacity since October 12, 1983 because he was on the Compensation Payroll when the decision to reinstate was reached, and the July 23, 1984 letter stated he would again be demoted upon his return to work.

Four of the five performance discrepancy items covered in the January 27, 1984 letter were known prior to the disciplinary layoff and demotion in October 83. The January 27, 1984 letter states that eight additional tire casings were found improperly stored after October 7, when the grievant was told that such casings were to be forwarded to the San Luis Obispo Garage. The grievant's explanation was that between October 7, 1983 and October 18, 1983 (the date the additional casings were discovered), he worked only two and a half days; that he had not had an opportunity to inform the representative from the tire company about proper storage; and further there was no demonstration that the tire casings were improperly stored on a day he was at work. In addition, as of October 12, 1983, the grievant was an Equipment Mechanic in another headquarters and not a Subforeman.

The ten unacceptable tires were part of the larger unauthorized order which was a factor in the October 1983 layoff and demotion. Agreement on a refund for these tires was reached on October 11, 1983, one day prior to the effective date of the first demotion.


The remaining three items resulted from an audit conducted in September 1983.

The July 23, 1984 letter informing the grievant of the forthcoming demotion does not cite any further incidents warranting discipline. The Pre-Review Committee is in agreement that this letter and the demotion on October 8, 1984 constitute double jeopardy.

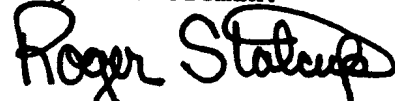
Decision

The January 27, 1984 letter shall be reduced to a memo to file. The July 23, 1984 letter shall be rescinded as just and sufficient cause did not exist to sustain a demotion. The grievant is to be reinstated as a Garage Subforeman, Santa Maria, retroactive to October 8, 1984. In addition, for the time that he worked as an Equipment Mechanic in San Luis Obispo, he shall be paid travel time and mileage pursuant to Sections 202.23 and 201.6 of the Physical Agreement.

While the Committee agreed to rescind the disciplinary action in this case, it would behoove the grievant to take seriously the condition precedent in the April 25, 1984 letter, in that he has a history of less than satisfactory performance as both an Equipment Mechanic and a Garage Subforeman.



D. J. BERGMAN, Chairman
Review Committee



R. W. STALCUP, Secretary
Review Committee

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