



# REVIEW COMMITTEE

106.11 &  
Positive Discipline Agrmt.  
Employee access to  
Supervisor's Operating  
File.

**IBEW**



PACIFIC GAS AND ELECTRIC COMPANY  
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(415) 973-1125

AUG 14 1989

**CASE CLOSED  
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  
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R.W. STALCUP, SECRETARY

D.J. BERGMAN, CHAIRMAN

RECEIVED AUG 14 1989

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

Steam Generation Grievance No. EB-24-443-88-51  
P-RC 1292

August 9, 1989

REGINALD L. ARDREY, Company Member  
Steam Generation  
Local Investigating Committee

JOE VALENTINO, Union Member  
Steam Generation  
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 5A(v) of the grievance procedure, to the Local Investigating Committee for settlement in accordance with the following:

### Subject of the Grievance

The Union alleged that the Supervisor's Operating Files at Pittsburg Power Plant were not purged of disciplinary letters and memos in accordance with the provisions of Item 5 of the Positive Discipline Implementation Letter of Agreement 87-189.

Further, the Union grieved Company's denying employee access to the supervisors' operating files.

### Facts of the Case

The Local Investigating Committee agreed that the supervisors' files were purged prior to the filing of the formal grievance, so the remaining issue is whether employees should be allowed to review the supervisors' files.

The Company stated that upon request, employees are allowed to review the Human Resources 701 file and the Positive Discipline Employee Performance Record Log and the documents confirming an Oral Reminder which are maintained in the supervisors' operating files.

There is conflicting testimony in the Local Investigating Committee report as to whether information contained in the supervisors' file is available to other supervisors' to review.

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Section 106.11 of the Physical Agreement reads:

"Upon an employee's request, Company shall give him any information of record concerning his status as an employee of Company. Such requested information shall be furnished during normal business hours and as soon as practicable, but within 28 calendar days from the date of the request." (Amended 1-1-80)

#### Discussion

The Union opined that pursuant to the above section, employees have the right to review documents in a supervisor's file. Company's position is that "information of record" is that which is contained in the 701 file; the Positive Discipline Record and the written memo documenting an Oral Reminder, which are maintained in the supervisor's operating file. (L/A 87-189)

Company maintained that supervisors need to be able to keep personal jog-notes and records, and at the point that a pattern of behavior is evident or an incident occurs which warrants application of Positive Discipline, such discipline shall be confirmed in writing and the documentation made a part of the official record.

In discussing this case, the parties noted that the issue of employee access to supervisors' files has been the subject of previous grievances (Fact Finding Nos. 1842 and 2125) and was also addressed during testimony in Arbitration Case No. 105. That testimony is contained in the transcript only and not the final decision. Company's Pre-Review Committee member opined that the comments by the Company's attorney during the arbitration hearing was predicated on a lack of knowledge of the parties prior grievance resolutions concerning this issue.

#### Decision

In the previous Fact Finding settlements, the parties agreed the provision of Section 106.11 (17.11, clerical) applied to information contained in the 701 - Human Resources file and further that information kept by supervisors in informal files would not be used to affect an employee's status, nor would the file be transferred from supervisor to supervisor, except for duplicates of documents which are also contained in the 701 file.

The Fact Finding cases were resolved prior to Positive Discipline. The Pre-Review Committee agrees to modify the previous settlements, recognizing that the Positive Discipline procedure requires certain documents, which can only be viewed to be "information of record concerning an employee's status" be maintained in the supervisor's files. Therefore, supervisors' files should be maintained in two parts. Part I to be subject to employee review may contain:

- \* Any information duplicated from the 701 file
- \* Any active discipline record and the supporting documentation
- \* The Positive Discipline Employee Performance Record
- \* Oral reminders

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Part II of the file which is not subject to employee review may contain:

- \* Supervisors' personal or jog-notes or other information which has not been used to affect an employee's status.

At the time the supervisors' personal or jog-notes or other information is relied upon for any action under Positive Discipline, it shall be transferred to Part I of the supervisors' operating file, where it shall be subject to deactivation and removal pursuant to Section VI of the Positive Discipline Guidelines.

The Committee further agreed that the materials contained in Part II of the supervisors' operating file is not to be available to or reviewed by other supervisors.

Attached to this decision is a letter dated December 10, 1987 signed by the Manager of Industrial Relations outlining the procedure for transferring Disciplinary Action Files. The provisions of this letter are considered incorporated into this decision.

Based on the foregoing understanding, this case is considered closed, and such closure should be so noted by the Local Investigating Committee.

  
DAVID J. BERGMAN, Chairman  
Review Committee

  
ROGER W. STALCUP, Secretary  
Review Committee

MAS:mc

Attachment

**PG and E****FOR INTRA-COMPANY USES**From Region or  
Department

INDUSTRIAL RELATIONS

To Region or Department

741.5

FILE NO.

RE: LETTER OF

SUBJECT

Procedure for Transferring Disciplinary Action Files

December 10, 1987

REGIONAL AND G.O. H.R. MANAGERS AND DIRECTORS:

Recently, the Regional Human Resources Managers agreed to the following procedure for transferring files containing disciplinary action information following the implementation of Positive Discipline when employees relocate to a new headquarters. The supervisor's file containing active counseling or active disciplinary information will be forwarded directly to the receiving supervisor. If nothing is active, the Employee Record Sheet (see attached sample) will be forwarded to the sending Region/Department Human Resources office. 701 files will be sent from Human Resources to the receiving Human Resources Department. Deactivated discipline will remain in the dead file in the Region/Department office and will not be forwarded.

At the request of your Positive Discipline trainers, we have attached some samples of Written Reminder and Decision Making Leave letters from Redwood Region. These samples are to be used as examples of form only and are not intended to be examples of the appropriate level of discipline for the offenses mentioned.



RICHARD B. BRADFORD

RDoering(222-1124):sm

Attachment