



REVIEW COMMITTEE

7.1 -Just cause for discipline -
Oral confrontation with a third party.



PACIFIC GAS AND ELECTRIC COMPANY
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AUG 27 1991
**CASE CLOSED
LOGGED AND FILED**

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W.
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R.W. STALCUP, SECRETARY

D.J. BERGMAN, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

RECEIVED AUG 16 1991

Skyline Division Grievance No. GG-SD-46-2-90-75-9
P-RC 1512

August 7, 1991

JEROME SIMS, Company Member
Skyline Division
Local Investigating Committee

LANDIS MARTTILA, Union Member
Skyline Division
Local Investigating Committee

Subject of the Grievance:

This case concerns a Decision Making Leave received by a Gas Crew Foreman as a result of a confrontation with a customer.

Facts of the Case:

According to the grievant, on August 10, 1990, his crew worked through the normal lunch hour then stopped at a fast food store to eat. In the vicinity of the restaurant was a tool rental shop. A flat bed pickup truck at the shop had signs proclaiming support for the PLO. The grievant knocked on the door of the shop to inquire about the meaning of the signs. The shopkeeper became upset and brandished a baseball bat. The grievant then turned and walked away as the shopkeeper followed him until he got into the crew truck. The grievant stated that the shopkeeper continued to ask him if he was Jewish.

The Fieldman on the crew told the Local Investigating Committee that the grievant approached the shop and knocked on the door. The shopkeeper answered the door with a baseball bat in hand. The grievant did not attempt to enter the business and a conversation ensued for about a minute and a half after which the grievant turned and walked back to the crew truck followed by the shopkeeper. The Fieldman did not hear any threats by the shopkeeper but did note that he appeared irate and asked whether the grievant was a Jew. The grievant did not physically threaten the shopkeeper.

August 7, 1991

The supervisor who investigated the incident reported that the shopkeeper was irritated by the incident. The shopkeeper told the supervisor that the grievant knocked on the locked shop door after trying to open it. When the shopkeeper answered the door the grievant asked what the meaning of the sign on the pickup truck was. The shopkeeper felt threatened, grabbed the bat and told the grievant to get out. Following this exchange, the shopkeeper reported that profanities were exchanged back and forth and the grievant was chased out of the shop. The shopkeeper acknowledged following the grievant to the crew truck with the baseball bat in hand and confirmed that there was no physical altercation.

The customer reported the incident to the police department. The Local Investigating Committee also determined that numerous complaints had been filed against the customer by members of the public. The nature of these complaints were summarized as being related to the various signs posted at his place of business.

Discussion:

At the outset, the Pre-Review Committee noted that confrontations with customers cannot be condoned. The Company has a vested interest in maintaining positive customer relations irrespective of the political beliefs or views of the customer. In this case, the grievant's behavior unnecessarily created ill will between the customer and the Company and could have simply been avoided by the grievant not approaching the customer.

At issue was the appropriate level of discipline. The Committee noted that while the grievant initiated the confrontation, the customer's actions in this incident were somewhat inflammatory and could have served to escalate the situation. Further, the testimony is devoid of evidence that the grievant threatened the customer by his words or conduct. The evidence indicates that the grievant's intentions and actions related to the customer's sign and not a provocation of the customer. Again, the grievant's actions are not excused. However, in an examination of the incident as a whole, the Committee agrees that a Written Reminder would have been the appropriate level of discipline.

Decision:

The discipline is reduced to a Written Reminder and the case is closed based on this adjustment.


DAVID J. BERGMAN, Chairman
Review Committee


ROGER W. STALCUP, Secretary
Review Committee

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