



**Pacific Gas and
Electric Company**

REVIEW COMMITTEE



IBEW

PACIFIC GAS AND ELECTRIC COMPANY
2850 SHADELANDS DRIVE, SUITE 100
WALNUT CREEK, CALIFORNIA 94598
(510) 974-4282

RECEIVED
JAN. 20, 2000
CASE CLOSED
FILED & LOGGED

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W.
P.O. BOX 4790
WALNUT CREEK, CALIFORNIA 94596
(510) 933-6060
PERRY ZIMMERMAN, SECRETARY

MARGARET A. SHORT, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

Mission Division Grievance No. HAY-99-11
Fact Finding No. 7029-99-187
Pre-Review Committee No. 2246

Kristi Fox
Company Member
Local Investigating Committee

Bernard Smallwood
Union Member
Local Investigating Committee

Subject of the Grievance

This case concerns the discharge of a Meter Reader for inappropriate comments to a customer.

Facts of the Case

While out on his route on May 3, 1999, the grievant approached a customer who was sitting in her car at a distance and asked her "to make love to him." When she didn't respond, but smiled (she apparently didn't hear him), he repeated the comment several more times. When she still didn't respond, he asked "will you be my mistress." The customer did hear this comment and immediately went to her apartment. After a few minutes when she felt the grievant would have left, the customer returned to her car. At that time the grievant returned and told her "never mind what I said, I'm sorry about what I said." Again the customer didn't answer him and returned to her apartment and called her husband.

The grievant indicated problems with his spiritual contact and admitted making the comment.

Immediately after this incident, the grievant was off work seeking medical treatment. He followed the recommendations made and was released to return to work without restriction after about a month.

At the time of discharge, the grievant had approximately 4 ½ years of service and an active Oral Reminder in the Work Performance category for leaving his route on several occasions without permission. In addition, the OR indicated the grievant had been late to work on several dates and had fallen asleep at department meetings twice. The Performance Record indicates coaching and counseling for two other issues in January and February, 1999. In an April 13 coaching session, he was advised of the availability of the Employee Assistance Program (EAP).

At about the time of the customer complaint leading to the discharge, another complaint was received from the pastor of the church where the grievant had been a member. The pastor asked that the grievant not be allowed to read that account or allowed access to the parsonage key.

Discussion

The Union alleged the grievant was having problems of a spiritual nature for which he was seeking religious counseling and then later sought medical treatment. Since the grievant had received more than 30 hours of intensive outpatient care and was released to return to work, he should be given a second chance.

Company responded that the grievant had been having problems on the job for about six months prior to the incident precipitating the discharge. The supervisor had been counseling him and advised him of the availability of EAP. The grievant did not seek help soon enough to have avoided the situation leading to his discharge. Notwithstanding that, Arbitration Case No. 213 concerned an employee discharged for misconduct who had a diagnosed mental condition. The arbitrator in that case stated:

"The employer is also entitled to consider the gravity and effects of the conduct, even if it is attributable to the Grievant's mental condition, in determining the appropriate level of discipline neither the law nor the collective bargaining agreement in this case require the Employer to continue to employ a person who has engaged in serious misconduct, even if that misconduct is related to a mental disability."

The Company holds Meter Readers and other customer contact employees to high standards of behavior as they represent the Company in the eyes of the customer. In an older arbitration case, No. 132 also concerning the discharge of a Meter Reader for misconduct, the arbitrator stated:

"The existing system of measuring power usage by reading meters would quickly become unworkable if the public lost confidence in the wearers of the PG&E uniform and denied them access to their property. For this reason the employer has insisted that Meter Readers behave themselves with impeccable propriety."

Decision

The Pre-Review Committee is in agreement that this discharge was for just and sufficient cause. This case is closed without adjustment.

Margaret Short

Margaret A. Short, Chairman
Review Committee

1/19/00

Date

Bob Choate

Bob Choate, Secretary
Review Committee

1-19-00

Date