



REVIEW COMMITTEE



PACIFIC GAS AND ELECTRIC COMPANY
2850 SHADELANDS DRIVE, SUITE 100
WALNUT CREEK, CALIFORNIA 94598
(925) 974-4282

MARGARET A. SHORT, CHAIRMAN

DECISION
LETTER DECISION
PRE-REVIEW REFERRAL

RECEIVED by LU 1245
OCT. 16, 2001

**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
(925) 933-6060
SALIM A. TAMIMI, SECRETARY

Pre-Review Committee Nos. 12645, 12646, and 12649 OM&C – Area 1 – Gas T&D - Colma

Vern Wittman
Company Member
Local Investigating Committee

Bernard Smallwood
Union Member
Local Investigating Committee

Subject of the Grievance

These three cases concern Written Reminders issued for violation of the congregating policy. The PRC has agreed to return them to Fact Finding for closure without adjustment.

Decision

These cases are removed from the PRC agenda. Copies of the Memorandum of Disposition are to be forwarded to the PRC for the file.

Margaret A. Short, Chairman
Review Committee

10/16/01

Date

Sam Tamimi, Secretary
Review Committee

10-16-01

Date

RECEIVED by LU 1245
Nov. 26, 2001

MEMORANDUM OF DISPOSITION
Peninsula Grievance - Gas T&D
Fact Finding Committee No. 12645

CASE CLOSED
FILED & LOGGED

Grievance Issue:

This case concerns a written reminder given to an M&C Mechanic for misuse of Company time and congregating while having breakfast at a restaurant.

Discussion:

Union members opined that the discipline should be mitigated because, as one of five employees who gathered in the restaurant, the Grievant was discussing the death of a coworker with fellow employees and they were all consoling each other. Grievant had learned about the death over the weekend and had informed the work group that morning. He was emotionally distraught over it and wanted to discuss it with his coworkers. He should not be punished for showing concern. Union believes that the acting exempt supervisor was there and had authority to buy employees breakfast.

Company members noted that, by the Grievant's own admission, he was the one who suggested going into the restaurant for coffee and once inside he smelled food and decided to order breakfast. There is no evidence that Grievant was too upset to work. If he had been, he should have contacted his supervisor. During the LIC, the supervisor testified that he discussed the coffee and breakfast rule at two stand-up meetings in 2001. Grievant doesn't remember this but testified that he knows it is wrong to stop and eat breakfast. A written reminder level of discipline has been upheld in the grievance procedure for congregating alone. This employee not only parked his PG&E vehicle next to another outside the restaurant while he had breakfast, but did so when he was being paid to work as an M&C Mechanic. He was not on a break or lunch period or overtime meal. He was supposed to be working.

Decision:

After discussing this case at length, the Fact Finding Committee referred it to the Pre-Review Committee. The Pre-Review Committee then returned it to Fact Finding for closure without adjustment. Based on the decision of the P-RC, the written reminder was for just and sufficient cause. This case is closed.

Ken Ball
Ken Ball, Sr. Business Rep.

concur/~~dissent~~

11-26-01
date

Bernard Smallwood
Bernard Smallwood, Business Rep.

concur/~~dissent~~

11/9/01
date

Carol Found
Carol Found, Sr. Labor Rel. Rep.

concur/~~dissent~~

10-30-01
date

Vern Wittman
Vern Wittman, HR Advisor

concur/~~dissent~~

11/5/01
date