

7.1; 105.1: DML was reduced to WR regarding DCP's Mech. Rigger's participation in creating an unsafe work condition and harassing an employee who filed a safety concern.

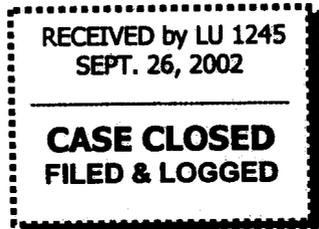


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MARGARET A. SHORT, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

## REVIEW COMMITTEE



**IBEW**



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 No. 13324

Nuclear Power Generation – Mechanical Maintenance - DCP

Cher Anthony  
Company Member  
Local Investigating Committee

Dan Lockwood  
Union Member  
Local Investigating Committee

#### Subject of the Grievance

This case concerns a DML given a Mechanic Rigger at Diablo Canyon Power Plant for his participation in creating an unsafe work condition and harassing an employee who filed a safety concern.

#### Facts of the Case

On January 16, 2002, the grievant and another employee took a company pickup without permission and drove around the Plant site. The grievant was the passenger. They were not assigned to do so nor did they perform any work. While out, they encountered another crew engaged in the transfer of a generator from a flatbed truck by use of a crane. The grievant and the pickup driver engaged in actions that contributed to the crew having a near miss, which may have resulted in injury. The driver of the pickup received a Written Reminder for his involvement in this incident.

The incident was reported to another employee who completed an Action Request, which initiates a process at DCP for investigating unsafe conditions. The grievant, who is also a shop steward, then had a verbal encounter with the employee who reported the incident, followed by the placement of a copy of a page from the IBEW Constitution outlining union rules and membership responsibilities, on the employee's desk. The grievant also made inappropriate remarks directed at the employee at a stand-up meeting.

At the time the DML was given, the grievant had an active Oral Reminder in the Conduct category for an earlier incident of making inappropriate comments to a supervisor during a stand-up meeting.

#### Discussion

Union stated that the discipline was too severe because the grievant did not drive the truck and did not honk the horn that contributed to the near miss as the load was being lifted. The crew misinterpreted the horn honk as a signal to move the truck forward. The Union argued that the crew had failed to perform a proper tailboard, and if it had done so, crew members would have known that only hand signals should be used. Union further stated that their Shop Stewards have a right to inform other employees of Union rules and membership responsibilities.

Company pointed out that the grievant repeatedly lied during the investigation about his activities, was a willing participant in the horseplay which may have resulted in injury, and engaged in retaliatory action against another employee. Company does not accept the benign motivation Union attributes to the grievant's placement of the IBEW Constitution on the employee's desk.

This case was discussed at great length at the LIC, Fact Finding, and PRC steps of the grievance procedure. Company's PRC member referred it to the Review Committee. After further discussion at the PRC level, it was agreed to recall the case from the Review Committee and settle it as described below.

Decision

The PRC agrees to reduce the DML to a Written Reminder. This case is closed with adjustment.

**For the Company:**

Margaret A. Short  
Ernie Boutte  
Dave Morris  
Malia Wolf

By: Margaret Short

Date: 9/26/02

**For the Union:**

Sam Tamimi  
William R. Bouzek  
Ed Dwyer  
Sherrick A. Slattery

By: Sam A. Tamimi

Date: 9-26-02