

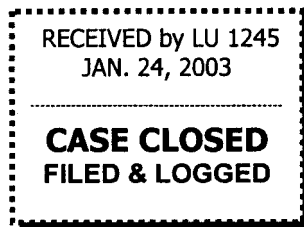


REVIEW COMMITTEE

IBEW



PACIFIC GAS AND ELECTRIC COMPANY
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INTERNATIONAL BROTHERHOOD OF
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SALIM A. TAMIMI, SECRETARY

MARGARET A. SHORT, CHAIRMAN

DECISION
LETTER DECISION
PRE-REVIEW REFERRAL

Pre-Review Committee No. 13645 Meter Reading and Office Services – North Bay – Napa

Sybil Garrett
Company Member
Local Investigating Committee

Steve Mayfield
Union Member
Local Investigating Committee

Subject of the Grievance

This case concerns a DML given a Meter Reader for inappropriate behavior with a customer on the customer's premises.

Facts of the Case

Some of the facts in this case are in dispute. The disputed facts surrounds specific profane comments that were allegedly made by the grievant.

What is not in dispute is that the grievant read the account at Western Container in Benicia on June 3, 2002 at approximately 11:30 a.m. There was a conversation between the grievant and the Plant Manager at Western Container regarding the need for the grievant to wear a hair net, to obtain a security badge, and to sign-in.

The grievant had read this account several times in the past and had not followed these procedures in the past. He did not wear the hairnet. He threw it away. He did obtain the security badge and sign-in.

At 12:19 on June 3, 2002 the Major Account Representative in Santa Rosa who has Western Container as an assigned customer received a call from the Plant Manager complaining about the Meter Reader's behavior and indicating he did not want that Meter Reader to return to his premises again.

On June 7, 2002 the grievant's supervisor contacted the Plant Manager who related to him his encounter with the grievant. The Manager also indicated that two of his employees overheard the grievant call him a profane name. The Manager allowed the supervisor to visit the Plant and interview the two employees. They told the supervisor the comments they heard the grievant make.

On June 10 an investigative interview was held. Both a Shop Steward and a Business Representative represented the grievant.

On June 27 the Business Representative talked with the Plant Manager by telephone and had the opportunity to query him about the events of June 3. He also requested to interview the two employees. The Manager stated, he "saw no reason for the Business Rep or the committee to do an onsite investigation OR to meet with the 2 employees who alleged the grievant made inappropriate comments." Further, the Manager indicated that as of June 27, he was "not mad, frustrated or presently holding any grudges towards" the grievant.

At the LIC and FF steps of the grievance procedure, Company contacted the Plant Manager to try to arrange for the interview of the two employees. The Manager did not return the phone calls.

The grievant denies any inappropriate behavior or making any inappropriate or profane remarks. He admits throwing the hairnet away and not wearing it.

At the time of the incident, the grievant had an active coaching and counseling in the attendance category for tardiness, and approximately 18 months of service. Effective November 12, 2002 the grievant transferred to Sacramento as a Meter Reader.

Discussion

The Union argued two reasons to reduce the discipline. First, that DML is too severe as the grievant had no active discipline and for what occurred. Second, the Union argued that the discipline should be rescinded, as the grievant did not have the opportunity to face his accusers in the grievance procedure and the Union did not have the opportunity to question them

Company responded that Meter Readers are customer contact employees and are held to a higher standard when interacting with customers. This expectation is regularly reviewed with Meter Readers. There is evidence that the grievant was aware of this expectation. Arbitration Case 132 contains the following:

"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."

Company believes that DML is the appropriate level of discipline in this case.

Secondly, the Union did have the opportunity to take testimony from the Plant Manager on behalf of the grievant. He conveyed what he was told by his employees. It is evident to the Company that the Plant Manager had no axe to grind with this employee and no reason to fabricate what happened. He acted immediately by calling the Company to register his complaint while it was still fresh.

Finally, neither the Company nor Union can compel third parties to testify in the grievance procedure except through subpoena by an Arbitrator. That is why it is Company practice that these types of third-party interviews be conducted by the Corporate Security Department who are experienced with gathering all relevant information and obtaining written statements from witnesses. Security was not involved in the investigation of this situation.

Decision

After several lengthy discussions of this case, the PRC agreed that it is not one either party feels compelled to arbitrate. Given that,

- there is sufficient information to warrant discipline,
- the grievant did not have the opportunity to face his accusers,
- the grievant was allowed to continue to read the Western Container account,
- that more than seven months has passed without incident since the DML,
- and that the grievant has since transferred to a new location,

it was agreed to reduce the DML to a Written Reminder in the Conduct category.

This case is closed on the basis of the foregoing adjustment without prejudice to the position of either party.

Margaret A. Short

Margaret A. Short, Chairman
Review Committee

1/24/03

Date

Sam A. Tamimi

Sam Tamimi, Secretary
Review Committee

1-24-03

Date