

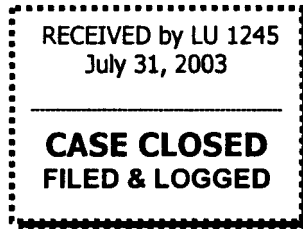
7.1; 102.2: Agreed that a DML given to an Equip. Mech. for inappropriate and threatening behavior and creating a hostile work environment is for just and sufficient cause.



REVIEW COMMITTEE



PACIFIC GAS AND ELECTRIC COMPANY
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INTERNATIONAL BROTHERHOOD OF
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LOCAL UNION 1245, I.B.E.W.
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SALIM A. TAMIMI, SECRETARY

MARGARET A. SHORT, CHAIRMAN

DECISION
LETTER DECISION
PRE-REVIEW REFERRAL

Pre-Review Committee No. 14169 Fleet Maintenance - Fresno

Melanie Curry
Company Member
Local Investigating Committee

Mike Grill
Union Member
Local Investigating Committee

Subject of the Grievance

This case concerns a Decision Making Leave (DML) given an Equipment Mechanic for inappropriate and threatening behavior.

Facts of the Case

The grievant's supervisor contacted Corporate Security stating he felt his life was being threatened and a hostile work environment was being created by the grievant. The supervisor noted the grievant became very upset during an LIC and called the supervisor a liar. Additionally, there were two notes on the grievant's toolbox that appeared to be directed toward the supervisor. One said, "It is better to be thought stupid than to open your mouth and remove all doubt T/M&R/S." The supervisor's initials are TM.

The second note was a picture of an eyeball dripping with blood and the profile of a large nose that reads, "TM, I am watching you, bye bye, good riddins to bad rubbish!" The grievant denied that TM referred to his supervisor. He told Security that he heard the two sayings on the radio and wrote them down to use in a college class. At the LIC, he indicated that TM stood for Table Mountain. The grievant did state he does not like or trust his supervisor, has complained about him several times to higher-level management.

During the investigation, several employees were interviewed. They relayed information about the grievant's refusal to take direction from the Subforeman, inappropriate racial comments, refusal to close the garage door when its cold, threatening comments, and general lack of interpersonal skills. All of the interviewed employees indicated the grievant was difficult to get along with and created a hostile work environment.

At the time of the DML, the grievant had an active coaching and counseling in the attendance category.

Discussion

The Union argued at length that a DML was too severe given that the grievant had no active discipline. Further, the Union argued that many of the cited events happened months to years ago. At each step of the grievance procedure, the Union argued had the Company taken appropriate action at the time of each incident, perhaps the grievant's behavior would have been changed by more timely, less severe discipline.

Company responded that this employee had, in fact, been disciplined for past inappropriate behavior but it had since deactivated. Further, threatening a supervisor could be dischargeable, however, Company did not discharge in this instance. It appears that a severe step of discipline is warranted to get the grievant's attention to effect change, or to put him on notice that discharge may result.

Company cited two recent arbitration decisions that resulted in discharge for similar behavior. In one case, the discharge was upheld. In the other, the arbitrator stated Company should have taken more serious discipline when the employee left a drawing similar to the "eye dripping blood" above.

The Pre-Review Committee is in agreement that there can be no tolerance of hostile and/or threatening behavior in the workplace.

Decision

The PRC agreed that just and sufficient cause existed for the DML. This case is closed without adjustment.

Margaret A. Short
Margaret A. Short, Chairman
Review Committee

7/30/03
Date

Sam Tamimi
Sam Tamimi, Secretary
Review Committee

7-30-03
Date