



REVIEW COMMITTEE

IBEW



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

RECEIVED by LU 1245
February 17, 2005

**CASE CLOSED
FILED & LOGGED**

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W.
P.O. BOX 2547
VACAVILLE, CALIFORNIA 95696
(707) 452-2700
SALIM A. TAMIMI, SECRETARY

MARGARET A. SHORT, CHAIRMAN
DECISION
LETTER DECISION
PRE-REVIEW REFERRAL

Pre-Review Committee No. 14998 Engineering & Planning – Vegetation Management - Fresno

Tom Phebus
Company Member
Local Investigating Committee

Mike Grill
Union Member
Local Investigating Committee

Subject of the Grievance

This case concerns a Written Reminder given an Operating Clerk Typist for insubordination.

Facts of the Case

Company modified a work procedure for investigating tree-related outages in December 2003. The Vegetation Management Supervisor in Area 4 attended a meeting of peers on February 4, 2004 at which he learned his was the only Area that had not implemented the modified procedure.

On February 11, the supervisor emailed the grievant reminding her of the modified procedure including the work procedure instructions. The grievant responded via email the same day that she would continue with the old procedure. Another email exchange occurred the next day, February 12. Again, the grievant refused to make the change indicating she would do so only if "IBEW tells me to relinquish this duty." The grievant's email went to 10 people in addition to the supervisor.

The grievant did change to the modified procedure on February 17.

Discussion

Union noted the supervisor's comment during the investigative meeting on February 19, "there was a serious lack of communication and looking back he would have handled this whole process differently." Union argued that there was no direct order to perform the work; no admonition that the grievant was being insubordinate.

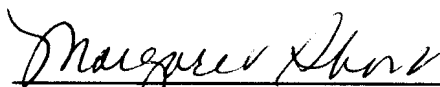
Further, Union noted this is the first case they were aware of that involved insubordination by email, a new phenomenon. Most commonly these acts of misconduct occur in face-to-face situations.

Company responded that it was clear from the email exchange and by the grievant's own admission that she understood what was expected of her, but because she disagreed with the change refused to carry it out. The grievant resorted to self-help rather than comply and grieve. The grievant's misconduct was magnified when she included other employees in her email to the supervisor and tended to undermine the supervisor's authority.

The PRC noted that the Written Reminder is soon to deactivate and the grievant has had no further discipline.

Decision

The PRC agrees that the Written Reminder was issued for just and sufficient cause. This case is closed without adjustment.



Margaret A. Short, Chairman
Review Committee

2/16/05
Date



Sam Tamimi, Secretary
Review Committee

2-16-05
Date