

7.1: Just cause for the WR given to a San Rafael Troubleman resulting from a customer complaint – blocking a customer's garage driveway exit which is unlawful.



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

REVIEW COMMITTEE

RECEIVED by LU 1245
October 27, 2005

CASE CLOSED
FILED & LOGGED

IBEW



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

Pre-Review Committee No. 15881 OM&C – Electric T&D – San Rafael

Carol Quinney
Company Member
Local Investigating Committee

Joe Osterlund
Union Member
Local Investigating Committee

Subject of the Grievance

This case concerns a Written Reminder (WR) given to a Troubleman resulting from a customer complaint.

Facts of the Case

Grievant completed a job on a narrow street in Mill Valley. He went to his truck to complete paperwork; the truck was parked in front of another customer's house partially blocking the driveway. While the grievant was in the truck, the customer came out and was preparing to exit her garage, and asked the grievant to move his truck so she could leave.

The grievant told the customer he would move the truck as soon as she took the chain down from the end of her driveway. The customer did and the grievant moved the truck. However, he made a U-turn and parked very close to where the truck was before, still blocking the customer's exit. The customer asked him again to move the truck and he responded she wasn't ready to leave yet as she still had her car doors open. The customer then threatened to call the police. After hesitating briefly, the grievant drove off.

Discussion

Union argued WR was too severe for an employee with no active discipline and that the grievant complied with the customer's request.

Company responded that it is unlawful to block a driveway, that the customer should not have had to ask him to move the truck, and that since she did, he should have moved it immediately without condition or debate. Company believes that WR is appropriate based on the facts, irrespective of whether he had any active discipline. Further, Company's PRC member had recommended a DML for this incident.

The PRC discussed this case at length, finally agreeing that the grievant, who is in a Service classification with public contact being an integral responsibility of his job is expected to behave in a manner that does not discredit the Company. The behavior he exhibited does not comport with expectations of how a Troubleman should conduct himself. The grievant had other options for completing his paperwork. He could have driven to another location all together.

Decision

The Pre-Review Committee agrees the Written Reminder was for just and sufficient cause. This case is closed without adjustment.

Margaret Short
Margaret A. Short, Chairman
Review Committee
10/26/05
Date

Sam Tamimi
Sam Tamimi, Secretary
Review Committee
10-26-05
Date