

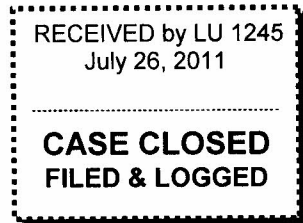


REVIEW COMMITTEE



PACIFIC GAS AND ELECTRIC COMPANY
LABOR RELATIONS DEPARTMENT
MAIL CODE N2Z
P.O. BOX 770000
SAN FRANCISCO, CA 94177
(650) 598-7567

DOUG VEADER, CHAIRMAN
 DECISION
 LETTER DECISION
 PRE-REVIEW REFERRAL



INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W.
P.O. BOX 2547
VACAVILLE, CALIFORNIA 94696
(707) 452-2700

F.E. (ED) DWYER Jr., SECRETARY

Pre-Review Committee Number 19749 Customer Operations – Meter Reading - Eureka

Deanna Helm
Company Member
Local Investigating Committee

J.V. Macor
Union Member
Local Investigating Committee

Subject of the Grievance

This grievance concerns the discharge of a Senior Meter Reader for bullying behavior.

Facts of the Case

The grievant is a Senior Meter Reader with a hire date of January 21, 2002. He was discharged as a result of a Security Department investigation which concluded that he had bullied Meter Readers in his office. At the time of his discharge on November 13, 2009, the grievant had no active disciplinary action.

The complaints against the grievant centered primarily on charges raised by a fellow employee, but also involved others. The Local Investigating Committee (LIC) interviewed this employee, the grievant, witnesses, and supervisors in an effort to determine the facts. The time frame of the various complaints ranged from as early as 2005 to as recent as a few months before the Security Department investigation began in August of 2009.

The employee descriptions of the events were quite varied. In interactions, which were not observed by witnesses, the complainant described the grievant as bullying, while the grievant described the complainant as insubordinate. Witnesses also varied in their description of the interactions, assigning different levels of blame to the two individuals.

The LIC Report contains statements indicating that employees had previously brought concerns to supervision's attention. There were different supervisors over the time period involved. The Employee Record Sheet has an entry for a coaching and counseling on January 21, 2009 regarding employee complaints of harassing behavior.

Discussion

The Company argued that there is no dispute the grievant acted inappropriately towards more than one of the employees in the office. As a Senior Meter Reader, the grievant has an elevated responsibility to treat those who report to him with dignity and respect. This clearly did not happen here. Additionally, while the grievant had no active discipline at the time of discharge, he had been put on notice of his need to correct his behavior.

The Union responded that most of the allegations against the grievant are not substantiated by witnesses and fall into the category of he said/she said. While some witnesses describe the grievant's behavior as inappropriate, at least one witness stated that the complainant was the one who acted inappropriately. Additionally, reliance on incidents which occurred prior to the January coaching would amount to double-jeopardy. Discharge is clearly not warranted.

Decision

This grievance has been discussed extensively throughout the grievance procedure. The Committee agrees to close this grievance on the basis of the equity settlement described below. This settlement is made with the understanding from Meter Reading Leadership that upon his return, the grievant may be required to successfully complete Company training regarding proper treatment of other employees and that he will not return to Eureka Meter Reading.

The grievant will be reinstated under the following conditions:

- Demotion to Meter Reader (on paper)
- Immediately subject to Title 206 displacement as Meter Reader
- Reinstated to Title 206 assignment
- Must pass return to work test if T206 assignment is DOT covered
- Placed on DML step of Positive Discipline
- No back pay
- Benefits reinstated prospectively
- Discharge time not considered as a break in service under Section 106.3
- Section 111.5 provisions applicable for 2011 vacation



 Doug Veader, Chairman
 Review Committee

7/26/11

 Date



 F.E. (Ed) Dwyer, Jr. Secretary
 Review Committee

7/26/2011

 Date