



## REVIEW COMMITTEE

**IBEW**



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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VACAVILLE, CALIFORNIA 94696  
(707) 452-2700

RECEIVED by LU 1245  
January 20, 2012

**CASE CLOSED  
FILED & LOGGED**

F.E. (ED) DWYER Jr, SECRETARY

DOUG VEADER, CHAIRMAN  
 DECISION  
 LETTER DECISION  
 PRE-REVIEW REFERRAL

### **Pre-Review Committee Number 20941 Electric Operations – GC Tower – Redding**

Robin Wix  
Company Member  
Local Investigating Committee

Brian Kapaun  
Union Member  
Local Investigating Committee

#### **Subject of the Grievance**

This case concerns a Decision Making Leave (DML) issued for making offensive statements in the workplace.

#### **Facts of the Case**

The grievant is a Towerman with 6 years of service. At the time of the incident he had no active discipline.

A Company EEO investigation concluded that the grievant made inappropriate racially related remarks, as well as, offensive remarks to various crew members. The grievant acknowledged making some of the racial comments attributed to him, but stated he never intended to harass or make fun of his co-workers. He also acknowledged making the offensive comments, but believed they were no worse than others have made in the past.

Approximately ten months before the investigation, a meeting took place with the grievant, his bargaining unit foreman, and another employee. During the meeting, the foreman advised the grievant that his racial remarks were inappropriate and would not be tolerated. The grievant apologized to his co-worker. During the LIC, the grievant acknowledged the meeting, but indicated he was never told specifically what he had said and did not recall his specific comments at the time he apologized.

#### **Discussion**

The grievant made inappropriate comments in the work place. Witnesses including the grievant were interviewed and the grievant acknowledged at least some of the comments. In his defense, the grievant says he did not intend to harass or make fun of his co-workers. Yet, during the meeting with his foreman and co-worker he was advised that his comments

were upsetting his co-workers and needed to stop. Despite this warning, he continued to make inappropriate comments. All of the comments which were the basis of the discipline occurred after this meeting.

The Company opined that any doubt the grievant may have had regarding the impact his comments had on others, should have been erased during the meeting with his foreman and co-worker. He continued to make these comments even after being warned not to do so.

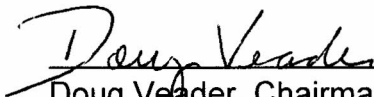
The Union opined that the comments were not meant to have been derogatory in nature. Additionally, had the Positive Discipline Agreement been used at the onset, discipline may not have occurred. Additionally, there have been no incidents since January 24, 2011.


The Union noted that the DML was not issued until 2 ½ months after the investigation began on January 26, making an effective active period of 14 ½ months. The Company responded that disciplinary active period begins once the discipline is issued and discipline cannot be issued until a full and thorough investigation has been completed. The Union pointed out that the last interview had been completed two months before the discipline was issued, and that some adjustment to the active period should be made.

The Committee finds no reason to mitigate the discipline issued to the grievant.

**Decision**

The Committee agrees the discipline was issued for just cause. The discipline is upheld and the active period of the DML will run through February 26, 2012.

  
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Doug Veader, Chairman  
Review Committee  
  
1/20/12  
\_\_\_\_\_  
Date

  
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F. E. (Ed) Jr. Dwyer, Secretary  
Review Committee  
  
1/20/2012  
\_\_\_\_\_  
Date