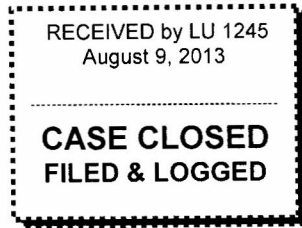




REVIEW COMMITTEE



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



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

DOUG VEADER, CHAIRMAN
 DECISION
 LETTER DECISION
 PRE-REVIEW REFERRAL

F.E. (ED) DWYER Jr, SECRETARY

Pre-Review Committee Number 21926 Electric Operations – Electric M&C – Marysville

Julia Albuquerque-Kurtz
Company Member
Local Investigating Committee

Bob Gerstle
Union Member
Local Investigating Committee

Subject of the Grievance

This case concerns the discharge of a Lineman for intentionally throwing two pieces of equipment at another Lineman resulting in injury to the other employee.

Facts of the Case

The grievant is a Lineman with nine years of service at the time of his discharge. The grievant and another Lineman were performing transformer repair work adjacent to each other in separate elevated buckets approximately 40 feet in the air. The grievant began “razzing” the other employee, words were exchanged, the grievant got angry, and he then threw a dead-end insulator and then an expoxilator at the other employee. The insulator missed the employee, but the expoxilator struck him in the cheek causing injury and treatment at a medical facility.

Discussion

Although the two employees involved in this incident have different versions of what occurred, both agree that the grievant initiated the confrontation and deliberately threw the two objects at the grievant, striking him with the second object. The Committee agrees that such serious behavior is grounds for discharge. In addition to the injury to other Lineman, the grievant’s intentional behavior could have placed others in danger had the third crew member been on the ground below.

The Union argued that the grievant should be considered eligible for rehire in some capacity through a Hiring Hall assignment or working for contractors who perform work for the Company. In this case, the grievant has taken successful steps in addressing personal

issues with services provided by the Company's Employee Assistance Program, and should be given consideration for eligibility for rehire in some capacity with the Company.

The Company responded that eligibility for rehire is not a proper subject for the grievance procedure. Eligibility for rehire is an employment decision and as such outside the scope of the grievance procedure. The grievance procedure is limited to determining whether a discharge has been issued for just cause or not. This understanding was upheld in Review Committee decision 16455.

Decision

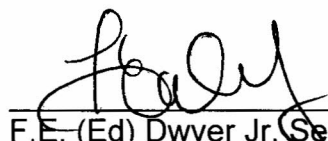
The Committee agrees the discharge was for just cause and this case is closed without adjustment.



Doug Veader, Chairman
Review Committee



Date



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

Date