



REVIEW COMMITTEE



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DOUG VEADER, CHAIRMAN
 DECISION
 LETTER DECISION
 PRE-REVIEW REFERRAL

F.E. (ED) DWYER Jr, SECRETARY

Pre-Review Committee Number 21946 Gas Operations – Gas Service – Santa Cruz

Jodi Baxter
Company Member
Local Investigating Committee

Bill Brill
Union Member
Local Investigating Committee

Subject of the Grievance

This case concerns a Decision Making Leave (DML) and demotion of a Gas Service Representative (GSR).

Facts of the Case

At the time of the discipline and demotion the grievant was a GSR with 28 years of service with no active discipline.

The grievant responded to a gas leak odor at a convalescent hospital. When she arrived at the site, she spoke with staff members who indicated that the smell may have come from a truck which passed by. The grievant then closed out the tag as "cancel by customer". Procedures require a full leak investigation when the customer of responding GSR cannot identify the source or when there is a buried gas house line (which was the case). The grievant did not follow these procedures.

Later that same night, another tag was dispatched for a gas odor at the same convalescent hospital. The GSR who responded to this complaint followed the required investigative procedure and discovered a leak in the house line between 1 1/2 and 2 cubic foot per hour, 8% LEL/gas in the water heater room and 25% LEL/gas outside the structure. The situation was considered dangerous given that a reading of between 4%-14% is rated as explosive, and the proximity of the water heater pilot light.

Discussion

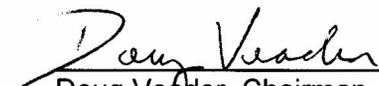
The Committee agrees that in this case, the grievant has demonstrated an inability to perform the work of the GSR classification. The Committee also agrees that this is a situation where the demotion language of the Positive Discipline Agreement is applicable. That language provides that:

"Note: For some types of performance problems, caused by an ability deficiency, demotion to a lower classification may be the appropriate action rather than implementing any step of Positive Discipline."

When this language was negotiated, the parties recognized there would be situations where an employee demonstrated an ability deficiency to perform the duties of their classification. In such situations, disciplining the employee would not bring about the needed change in performance. Instead, the employee is determined to be unable to perform the job and demotion from the classification is the appropriate action.

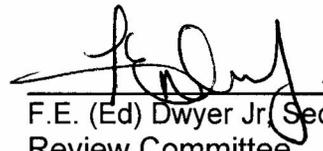
Decision

The Committee agrees that the demotion language of the Positive Discipline Agreement is applicable in this particular case. As such, the discipline will be rescinded, the demotion will be upheld, and the grievant will be considered as unqualified for GSR vacancies even after the 12 month automatic bypass period has expired. The exception to this would be if the grievant was able to demonstrate that she had taken additional action to overcome her ability deficiency.



Doug Veader, Chairman
Review Committee

9/25/13
Date



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

9/25/13
Date