



## REVIEW COMMITTEE

**IBEW**



PACIFIC GAS AND ELECTRIC COMPANY  
LABOR RELATIONS DEPARTMENT  
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INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS, AFL-CIO  
LOCAL UNION 1245, I.B.E.W.  
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ROBIN WIX, CHAIRMAN  
 DECISION  
 LETTER DECISION  
 PRE-REVIEW REFERRAL

KIT STICE, SECRETARY

### **Pre-Review Committee Number 23241 Electric – Maintenance & Construction – Fresno**

Monica Oakes  
Company Member  
Local Investigating Committee

Mike Grill  
Union Member  
Local Investigating Committee

#### Subject of the Grievance

This case concerns the issuance of a Written Reminder (WR) to a Lineman for being untruthful during an investigation involving a serious safety incident.

#### Facts of the Case

The grievant is a Lineman with 2 years of service and no active discipline at the time of the incident.

The grievant was part of a three-man crew working in rubber glove mode when a serious safety incident occurred, injuring the grievant, on March 25, 2015. The grievant was transported to the hospital and released the following day. During the initial investigation, the Electric Crew Foreman and the other Lineman on the crew conspired to fabricate the details of the work they were performing that resulted in the arc flash because they were fearful they would get in trouble and were concerned about the injured grievant. The grievant agreed to go along with the fabricated story after the fact. Additionally, the crew had been utilizing a rattle gun when they were working the job. Because they were afraid the use of the rattle gun was in violation of the correct procedures, they did not disclose that they had used the gun during the job when first questioned about the incident. The rattle gun was placed in a grunt sack and disposed of in a dumpster by the Crew Foreman.

The investigation revealed that the information provided by the crew was untruthful based on material facts gathered, including the Company becoming aware that a rattle gun had been used and discarded. The crew was questioned again, and all three members admitted to falsifying information they provided related to the incident.

Discussion

The Union argued that issuance of a Written Reminder is too severe. The grievant was placed in a difficult situation when he learned the other crew members had fabricated the story before he had an opportunity to discuss the incident with them. The grievant felt he had no choice but to go along with the crew. The Union further argued that the Company's historical practice of issuing heavy-handed discipline, including discharge, for safety related incidents has directly contributed to a fear based reaction from employees which has led to less than fully truthful disclosure during investigations.

The Company argued that the grievant's conduct was unacceptable and impeded an investigation into a serious safety incident. The grievant was untruthful about the actions he and the other crew members took which led to the safety incident. The level of discipline was issued based on the grievant's purposeful fabrication of the facts surrounding the incident which impeded the expediency of the investigation, and had it not been discovered that the crew lied about what occurred, could have led to inadequate or wrong corrective actions to be applied across the system. Furthermore, the grievant did have a choice to tell the truth and purposefully chose not to be honest during a Company investigation. His conduct was in direct violation of the Employee Code of Conduct and the core values of PG&E.

Decision

The Committee agreed the WR was issued for just cause. This case is closed without adjustment.

Robin Wix      5/27/14  
Robin Wix, Chairman      Date  
Review Committee

Kit Stice      5/26/14  
Kit Stice, Secretary      Date  
Review Committee