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**INDUSTRIAL RELATIONS
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**Review Committee File No. 434
East Bay Division Grievance No. 216**

RECEIVED
JAN 27 1964
LOCAL 1240-155N

January 22, 1964

**MR. W. H. PETERSON, Chairman
East Bay Division
Joint Grievance Committee**

The above subject grievance was referred to the Review Committee by the East Bay Division Joint Grievance Committee on April 23, 1963. Subsequent to this, the Review Committee has discussed the grievance at several of its meetings and, in addition, held a hearing at the Pittsburg Power Plant on December 11, 1963.

Subsequent to this hearing, the Company members of the Review Committee determined that the action taken by the Division was supported by fact and should, therefore, be sustained. This position was given to the Union members of the Review Committee at the Review Committee meeting of January 14, 1964. Subsequent to this meeting, the Union has informed the Company that they are withdrawing this case from the active Review Committee file and will consider the matter closed. A copy of their letter is attached for your information.

L. V. BROWN

**L. V. BROWN, Chairman
Review Committee**

**LVB:MS
Attach.**

**cc: VJThompson
EFSibley
GLEger
LIMitchell**

ey
1/23/64

#434

cc: WMFleming
KWFields
JJWilder
JMcMullan

January 21, 1964

Mr. L. V. Brown, Chairman
Review Committee
Pacific Gas & Electric Company
245 Market Street
San Francisco 6, California

Dear Mr. Brown:

Reference is made to Review Case No. 434 (East Bay Division Grievance No. 216). It is the contention of Union's members of the Review Committee that disciplinary measures, however necessary, must be justified. This calls for fairness and full consideration of all factors related to an incident or incidents which are the basis for such measures.

Our examination of the procedures and the facts involved in R. C. #434 lead us to believe that an objective determination was not made, taking into consideration all of the factors involved, and that bias did exist. We feel the attitudes and statements of Company witnesses at our joint hearing in this matter tend to support this conclusion.

The allegations of past incidents, which were submitted in this case, were not all conclusive and many were merely notations in a personnel jacket. Due process calls for clear charges made at the time of the incident, or shortly thereafter, with the right of appeal through the grievance procedure. Stale charges which were not subject to this procedure apparently exist in this case.

We disagree with both the procedure and the action taken by the Company in this case and have made this statement in order that this be clearly understood. On the other hand, we realize the impracticability of proceeding with this case which calls for reinstatement of the grievant who has severed his employment through voluntary resignation subsequent to his demotion but prior to a decision reached through the grievance procedure.

In view of this, we are withdrawing this case, R. C. #434, from the active Review file and will consider it closed.

Very truly yours,

L. L. Mitchell, Secretary
Review Committee



LLM:do