

REVIEW COMMITTEE DECISION

Review Committee File No. 1094
San Francisco Division L.I.C. Grievance No. 2-71-19

Subject of Grievance

This grievance concerns the suspension for about a day and a half of an Apprentice Electrician in the San Francisco Division Substation Maintenance Department. The suspension followed the apprentice's refusal to perform the work assigned him by a substation maintenance foreman.

The grievance was referred to the Review Committee. Following several discussions of the matter the Union requested an exchange of opinions, a preliminary step to arbitration, as provided for in the Physical Labor Agreement. As a result, additional information was obtained which led to the belief that the grievance could be resolved short of arbitration. To this end, the Review Committee held a hearing in the Division. Present at the hearing, in addition to the grievant, were three electricians from the department and two foremen. Each testified to the events leading up to the suspension. Taking this testimony, together with record previously submitted to the Committee, the Committee makes the following conclusion of facts:

Conclusion of Facts

1. The grievant was fully apprised of the consequence of his continued refusal to carry out the work assignment.
2. The grievant was given an opportunity to withdraw his refusal prior to imposition of the suspension.
3. The grievant's refusal was unequivocal although conditional in that he said he would do the work if allowed to visually inspect the opened ES 55 switch.
4. The grievant was not familiar with the grounding procedures involved or the physical makeup or operation of the ES 55 switch. Further, based on his previous instruction, he honestly believed that prior physical inspection of the switch was an unalterable rule.
5. The grievant's concern and fears were real to him, albeit this fear seemed more immediately concerned with working in the cell itself despite the two installed sets of grounds.
6. The grounding procedures involved in this instance, as an exception to his belief (Item 4, above), were satisfactorily explained to the grievant prior to his final refusal to perform the work.
7. The grounding and clearance procedures involved here were customary and an acceptable safety precaution for this type of switch and work.

8. The work involved was later performed by Journeyman employees in the customary manner.

Appropriateness of the Penalty

As a result of his refusal, the grievant was suspended without pay at about 2:30 P. M., June 16, and instructed to return to work at 8:00 A. M., June 18. The Committee concludes that the grievant's refusal under these facts was unjustified; and, therefore, he is not entitled to pay for the period of time following his refusal for that day.

As to the following day, the Committee believes that there are sufficient mitigating factors intertwined in the events of the previous day to warrant a certain amount of leniency. In our view, these following factors present valid grounds for such consideration in this case:

1. The grievant was an Apprentice and not an experienced Journeyman.
2. He apparently faced a new situation when confronted with the grounding procedures involved with the ES 55 switch, both with regard to the method of grounding and the fact that the switch was not accessible for his inspection as was the usual case, apparently, in other similar situations of which he was experienced.
3. His concern, in part, may well have been fostered initially by the seeming lack of knowledge on the part of the Foreman as to the methodology required in grounding from this type of switch.

Decision

An Apprentice is expected in the end to rely on the judgment of his Foreman and Journeyman when it differs from his own. Discipline is warranted in this case because grievant, after properly questioning the safety of the procedure involved, was unwilling to rely on the judgment of his Foreman and the Journeyman present and was unable to demonstrate that the manner in which the job was performed was not within the standard of risks acceptable to such a job.

It is the decision of this Committee to close this case without adjustment and to refer it back to the Local Investigating Committee with the recommendation that the suspension be reduced commensurate with the foregoing.

FOR UNION:

W. H. Burr
E. R. Sheldon
L. N. Foss

By



Date

6-26-73

FOR COMPANY::

J. A. Fairchild
H. J. Stefanetti
L. V. Brown

By




Date

June 26, 1973

Local Investigating Committee Grievance No. 2-71-19,
referred back to this committee on June 26, 1973, has
been settled as recommended by the Review Committee
(R.C. File 1094).

Authorization to pay the grievant for the day in
question (June 17, 1971) has been issued by North
Bay Division in a letter to Mr Frank Cortese dated
October 18, 1973.


FRANK QUADROS, Union Member
Local Investigating Committee

Date: 10-25-73


GLENN D. LAWSON, Company Member
Local Investigating Committee

Date: 10-25-73