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**INDUSTRIAL RELATIONS**

741.5

Review Committee File No. 1262  
San Joaquin Division L.I.C. Grievance No. 25-73-6  
Disciplinary Layoff, T. M. Brashear

January 30, 1974

MR. D. S. SOLBERG, Company Member  
San Joaquin Division  
Local Investigating Committee

MR. W. WEAVER, Union Member  
San Joaquin Division  
Local Investigating Committee

The above-subject grievance has been reviewed by the Review Committee and is being referred back to the Division for settlement in accordance with the following:

The Joint Statement of Facts indicates that the grievant deviated from certain policies and procedures without instruction and authorization to do so and possibly created a series of hazardous conditions. This case is not unlike many cases that have come to the Review Committee where a Gas Serviceman has failed to follow Company standard practices, and the Review Committee has generally followed a guideline established in Review Committee Case No. 1091 for settlement of these types of cases. Therefore, the Review Committee recommends that the Local Investigating Committee review the decision set forth in Review Committee Case No. 1091 to reach a settlement in this case.

This case is considered closed and should be so noted.

**L. V. BROWN**

L. V. BROWN, Chairman  
Review Committee

DJBergman:mt

cc: EEFoley  
IWBonbright  
JAFairchild  
PMatthew  
Personnel Managers  
LNFoss, IBEW

## REVIEW COMMITTEE DECISION

Review Committee File No. 1091  
San Jose Division L.I.C. Grievance No. 8-71-4

### Statement of Facts

This case was investigated by the Division Local Investigating Committee. Their jointly signed statement of facts is set out as follows:

"On December 7, 1970 the grievant responded to a gas leak complaint at 10230 Broadview Drive, San Jose. The complaint was based on what appears from investigation to be a malfunctioning gas wall furnace. The grievant noticed a high level rolling flame in the wall furnace as well as lint collected in the base of the furnace. He did not remove the burners to clean them due to a high level of soot on these burners. He disconnected the appliance and issued a hazard notice to the customer. He did not clock this appliance nor did he test for leaks in the house lines. The hazard notice issued indicated that the customer should clean the furnace and call the Company to check and relight the furnace."

Later, following a serious incident involving the heater, the heater was checked by the Service Foreman and another Serviceman. They found the appliance overgassed by approximately 50% of its normal rated capacity.

As a result the grievant received a disciplinary letter as well as a day off without pay. The Union through this grievance seeks rescision of the letter and restoration of the day's wage.

### Discussion

The upshot of the discipline here is that the grievant left a wall furnace in a condition that it could be reconnected and operated by the customer in an overgassed condition. The record before the Review Committee evidences that is precisely what later occurred. As the grievant stated to the members of the Local Investigating Committee, he saw the "flames rolling badly in the furnace" and ". . . had I drilled out the orifice to eliminate the overgassing condition and the customer had cleaned the flue, the furnace should have been O.K. when the other Gas Serviceman reconnected and lighted."

The procedures to be followed in such a situation are set forth in a letter, dated November 17, 1967, signed by A. E. Garrissere, San Jose Division Gas Superintendent. The grievant admitted to the Local Investigating Committee members that he was familiar with the procedures outlined in the letter. The letter details the procedural steps the Gas Serviceman is required to follow when a wall furnace, the appliance involved here, is encountered. The Serviceman must observe the flame and when faulty combustion is observed he must, among other things, be certain the gas input is correct. In short, he is not to leave the appliance in a condition that it can be operated if it is overgassed. Here, the grievant admits, the overgassing could have been corrected by drilling out the orifice.

Decision

In view of the above findings of fact, the disciplinary layoff is sustained. The disciplinary letter shall be revised, and reissued, by deleting the last sentence of the second paragraph.

FOR UNION:

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

By s/Lawrence N. Foss

Date November 9, 1971

FOR COMPANY:

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

By s/L. V. Brown

Date November 9, 1971