

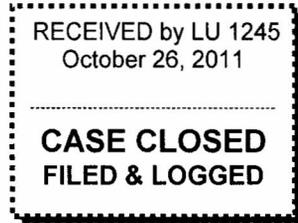


## REVIEW COMMITTEE



PACIFIC GAS AND ELECTRIC COMPANY  
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INTERNATIONAL BROTHERHOOD OF  
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LOCAL UNION 1245, I.B.E.W.  
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VACAVILLE, CALIFORNIA 94696  
(707) 452-2700



DOUG VEADER, CHAIRMAN  
 DECISION  
 LETTER DECISION  
 PRE-REVIEW REFERRAL

ED DWYER, SECRETARY

### Review Committee No. 20284 Energy Delivery – GC Line – Lakeville Sub

Carol Quinney  
Company Member  
Local Investigating Committee

J.V. Macor  
Union Member  
Local Investigating Committee

#### Subject of the Grievance

This case concerns a Decision Making Leave (DML) issued to an Apprentice Lineman for engaging in horseplay by hanging off a cross arm.

#### Facts of the Case

The grievant is an Apprentice Lineman with a hire date of December 27, 2005. At the time of the DML, the grievant's disciplinary record consisted of a Written Reminder and a coaching and counseling.

The grievant appeared in a photograph with another employee hanging from a cross arm attached to a pole during storm damage repair. The grievant indicated that he was on the pole when the other employee went up the pole because he was bored. He was not sure who suggested taking a picture.

The grievant claimed he was not engaged in horseplay. He said he hung off the cross arm to stretch his back as he had been told to do by co-workers. When asked, he acknowledged that he never done this before, had never seen others do this, had never heard of others doing this, and had never been advised by management to do this. In response to another question, he acknowledged he didn't know the weight limit of the cross arm

#### Discussion

The Union argued that the grievant explained his behavior as stretching, not horseplay. Additionally, if the act was unsafe, it should be treated as safety which falls in the Work Performance category. Given that his Written Reminder was in the Conduct category, the disciplinary action should not have been escalated to a DML. Finally, the fact that the

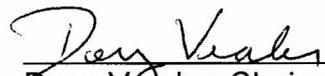
photograph was posted for several months with no action being taken, shows that management did not consider it a serious issue.

The Company responded that despite his denial, the grievant clearly engaged in unsafe horseplay for the benefit of a photo opportunity. It was reckless behavior that needlessly endangered himself and had nothing to do with the performance of the job. It is a Conduct issue not a Work Performance issue. In regard to the Union's concern that the photograph may have been on the yard bulletin board for some time before being acted upon, there is nothing in the record to demonstrate that management was aware of the photo and did not act. In fact, there is nothing in the record to indicate how long the photo had been posted.

In PRC19770 the parties agreed to the discharge of an employee with a clean disciplinary record for horseplay resulting in injury to another employee. In this case, the Company administered a DML rather than discharge.

Decision

The Committee agrees the DML was issued for just cause. This case is closed without adjustment.

  
\_\_\_\_\_  
Doug Veader, Chairman  
Review Committee

10/26/11  
\_\_\_\_\_  
Date

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

10/26/2011  
\_\_\_\_\_  
Date