

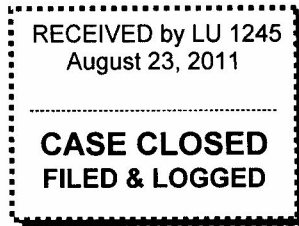


REVIEW COMMITTEE



PACIFIC GAS AND ELECTRIC COMPANY
LABOR RELATIONS DEPARTMENT
MAIL CODE N2Z
P.O. BOX 770000
SAN FRANCISCO, CA 94177
(530) 613-3203

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W.
P.O. BOX 2547
VACAVILLE, CALIFORNIA 94696
(707) 452-2700



DOUG VEADER, CHAIRMAN

F. E. (ED) DWYER Jr, SECRETARY

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

Review Committee No. 20390 Electric Operations – Electric T&D – San Rafael

Carol Quinney
Company Member
Local investigating Committee

Janval "J.V." Macor
Union Member
Local Investigating Committee

Grievance Issue:

This grievance concerns an Oral Reminder issued to a Foreman's Clerk for her interactions with an instructor at a training session.

Facts of the Case:

On July 9, 2010, the grievant was issued an Oral Reminder. The discipline was issued based the grievant's interactions with an instructor during and after a training session. An internal EEO investigation concluded that that the grievant engaged in disrespectful, confrontational, and bullying behavior.

During the EEO investigation, the grievant stated that the trainer was conformational with her and she was simply responding. She denied getting in the trainer's face, yelling, or finger pointing. The trainer and witnesses indicated that the grievant was unruly, disruptive, and combative and was in the trainers face to the point where she needed to step back.

Discussion:

The Union has steadfastly argued that the grievant was acting in the capacity of a shop steward and that her behavior was appropriate and protected under the National Labor Relations Act (NLRA). When engaged in representational activities, shop stewards are allowed to raise their voice, gesture, use "salty" language, and challenge management's claims of truthfulness. The Company is precluded from disciplining stewards in such situations.

The Company maintained that the grievant was acting as an individual employee, her behavior violated Company policy, and she was appropriately disciplined. The Company does not believe the grievant was acting in representational activity and that even in such activities there are limits to debate, especially in an open forum such as a training session.

Decision:

This grievance has been discussed extensively throughout the grievance procedure with the parties unable to reach agreement. Without prejudice to the positions of the parties, the Committee agrees to close the grievance on the basis that the issue is moot.

While the parties' disagree whether the grievant was engaged in protected representational Union activity in this instant case, the parties' do agree that the NLRA affords shop stewards rights to engage in protected representational activities. Both the Company and Union recognize and support these rights.

While the Oral Reminder has been deactivated and removed from the grievant's record, the Union has argued vigorously that the discipline should never have been administered. In recognition of the Union's concerns, the Company agreed to permanently remove the Oral Reminder entry from the grievant's Employee Performance Record.

For the Company:

Doug Veader
Laura Sellheim
Ruben Ramirez
Mike Savage

For the Union:

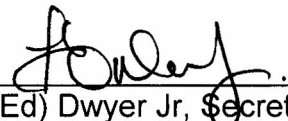
F.E. (Ed) Dwyer Jr.
James Brager
Louis Mennel
Karen Russel



Doug Veader, Chairman
Review Committee

8/23/11

Date



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

8/23/2011

Date