

REVIEW COMMITTEE

PG and E

PACIFIC GAS AND ELECTRIC COMPANY
245 MARKET STREET, ROOM 444
SAN FRANCISCO, CALIFORNIA 94106
(415) 781-4211, EXTENSION 1125

RECEIVED AUG 21 1978

IBEW 

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W.
P.O. BOX 4790
WALNUT CREEK, CALIFORNIA 94596
(415) 933-6060
L.N. FOSS, SECRETARY

D.J. BERGMAN, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

P-RC 366

Fact Finding Committee No. 809-78-102

Materials Distribution Grievance No. 21-41-77-12

Disciplinary Layoff, Materials Leadman

August 18, 1978

MR. C. P. TAYLOR, Company Member
Materials Distribution
Local Investigating Committee

MR. J. E. McCAULEY, Union Member
Materials Distribution
Local Investigating Committee

The above-subject grievance has been discussed by the Pre-Review Committee prior to its docketing on the agenda of the Review Committee and is being returned, pursuant to Section I B(1) of the Review Committee procedure, to the Local Investigating Committee for settlement in accordance with the following:


This case concerns a two-day disciplinary layoff without pay for a Materials Leadman in Emeryville for alleged insubordination. According to the Joint Statement of Facts, the grievant has no prior history of disciplinary action.

On Friday, October 14, 1977, the grievant was assigned to deliver five coils of three-inch plastic pipe to Petaluma. The grievant neglected to take fork lift extensions with him, however; and was unable to load the pipe; therefore, had to return with the load to Emeryville. The grievant's claim was that the use of the fork lift extensions was unsafe because the extensions were too long for the fork lift to Petaluma. On Monday, October 17, 1977, when his supervisor discussed this incident with him, the grievant stated that he had also had problems in tying the pipe onto the truck in a safe manner. The grievant claimed that he did not have the experience or training to perform the function. The supervisor disagreed and told the grievant to again proceed with the load to Petaluma. According to a memo prepared by the Foreman dated October 17, 1977, the grievant stated that he would haul the pipe if he did not have to be responsible for anything that happened. The Foreman then asked him if he was refusing to drive the truck and be responsible for the load, to which the grievant replied, "That's right." When the Foreman then told the grievant that he was suspended, the grievant said that he would haul the load. We asked further if he would be responsible, the grievant replied that it would remain to be seen. The Foreman at that point sent him home.


August 18, 1978

Although there is some conflict in the testimony in the Joint Statement of Facts, it has not been clearly established that the grievant was insubordinate. His insolent manner, however, cannot be condoned. While the Pre-Review Committee is normally reluctant to substitute its judgment for that of the supervisor, the Committee believes that the two-day disciplinary layoff was inappropriate since insubordination is not supported by the record. The Pre-Review Committee, however, believes that the grievant's irresponsible behavior does warrant disciplinary action and concludes that one day off without pay would be appropriate.

This case is considered closed on the basis of the foregoing, and the closure should be so noted by the Local Investigating Committee.



D. J. BERGMAN, Chairman
Review Committee



L. N. FOSS, Secretary
Review Committee

DJB:rto

cc: RPBenton
IWBonbright
LVBrown
Personnel Managers