

REVIEW COMMITTEE**PG and E****IBEW** 

PACIFIC GAS AND ELECTRIC COMPANY
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CASE CLOSED NOV 10 1983
LOGGED AND FILED

INTERNATIONAL BROTHERHOOD OF
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R.W. STALCUP, SECRETARY

D.J. BERGMAN, CHAIRMAN

RECEIVED NOV 10 1983

- DECISION
 LETTER DECISION
 PRE-REVIEW REFERRAL

General Construction Grievance No. 3-1168-83-11
P-RC 845

November 9, 1983

MR. R. S. BAIN, Chairman
General Construction
Joint Grievance Committee

MR. BOB CALLENDAR, Chairman
General Construction
Joint Grievance Committee

Grievance Issue

Letter of reprimand and one-day disciplinary layoff issued to a Cook "C" for his uncooperative attitude and abusive speech manner.

Facts of the Case

On November 1, 1982, the Kerchoff Project Supervising Field Clerk counseled the grievant about his attitude, and requested him to be cordial to employees at dinner. It was noted in the Supervising Field Clerk's log that dinner that evening was good and that the grievant was polite to the employees present.

On November 2, 1982, the grievant was counseled by the Supervising Field Clerk about his hostile behavior. There is no record of the incident or incidents which precipitated this counseling session.

On February 1, 1983, the grievant was given an order for five "bag dinners" and two hot meals, to be ready by 5:00 p.m. At 3:30 p.m., the Supervising Field Clerk went to the Camp and instructed the grievant to prepare one additional "bag dinner," for a total of six. The grievant became somewhat upset at the change, and used several mild profanities in expressing his displeasure, even though he still had 1-1/2 hours to prepare the food. The employee who was to pick up the six "bag dinners" arrived at the camp at 5:30 p.m., at which time he asked the grievant for a half gallon of milk. The grievant replied that there was no milk to spare because all of the milk on hand was needed for the next morning's breakfast. The grievant also pointed out that there was a can of juice in the "bag dinner." The employee then insisted that, since he was losing a \$10 "in lieu" payment for the "bag dinner," he should at least have milk to drink with it. Both the grievant and the other employee became upset during this discussion and used profane language. However, the grievant finally relented and gave the employee a half gallon of milk.

On February 7, 1983, the grievant was issued a reprimand letter and one-day disciplinary layoff for his conduct on February 1.

Discussion

The Union noted that the grievant's record is devoid of prior written reprimands or disciplinary actions, and opined that the incident on February 1, 1983, thus warranted at most only first-step disciplinary action, such as verbal counseling.

The Company stated that the grievant's behavior has been unacceptable for years; that even though he has not received any previous formal discipline, he has been adequately warned, in various counseling sessions, of the consequences of further unacceptable behavior; that the letter and disciplinary layoff were necessary to direct the grievant's attention to the seriousness of the problem.

After further discussions in the Pre-Review Committee, the Company conceded that, considering the specific facts and factors of this case, the one-day disciplinary layoff issued the grievant on February 7, 1983 might conceivably be construed as too severe a penalty. The absence of previous written reprimands, the fact that some of the prior counselling sessions were not formally documented, and the apparent relatively minor nature of the incident which triggered the February disciplinary action, all contributed to Company's reassessment of that discipline. However, the Company maintained that the written reprimand was fully justified in this case.

After still further discussion, the Committee agreed that, because of the specific circumstances of this case, the one-day disciplinary layoff issued the grievant should be retracted, and that the reprimand letter should remain but be rewritten to reflect this modified action.

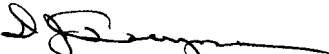
Decision

The one-day disciplinary layoff issued the grievant in February, 1983 will be retracted, and the grievant paid for the day.

The last paragraph of the February 7, 1983 reprimand letter will be rewritten as follows:

"Any further incidents in which you display uncooperative attitude and/or abusive speech manner may result in more severe discipline, up to and including discharge."

Case closed on this basis without prejudice.


D. J. BERGMAN, Chairman
Review Committee


R. W. STALCUP, Secretary
Review Committee