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REVIEW COMMITTEE

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IBEW



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

**CASE CLOSED
LOGGED AND FILED**

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
R.W. STALCUP, SECRETARY

D.J. BERGMAN, CHAIRMAN

RECEIVED APR 27 1984

☐ DECISION
☐ LETTER DECISION
☐ PRE-REVIEW REFERRAL

San Jose Division Grievance No. 8-844-83-60
P-RC 906

April 26, 1984

MR. D. J. COYNE, Company Member
San Jose Division
Local Investigating Committee

MR. L. PIERCE, Union Member
San Jose Division
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 Step Five A(i) of the grievance procedure, to the Local Investigating Committee for settlement in accordance with the following:

Facts of the Case

This case involves an altercation between a Communications Technician and a Lineman. One morning shortly after 8:00 a.m., a discussion took place between the two employees when the Linemen inquired about a grievance concerning the Tower Wiping Project. The grievance had been filed by the Communications Technician, a Shop Steward in the yard. The grievance regarding the Tower Wiping Project involved paying those employees wiping towers at the Lineman rate of pay. The Linemen was concerned because these employees, who were not fully qualified Linemen, would be receiving Lineman's wages to perform the tower wiping duties. The Lineman was upset and made comments derogatory to the Union regarding its position on the tower wiping grievance. The grievant indicated that in response to the Lineman's comments, he opened the door to the work area and stated, "you can wait outside." In addition, the Communications Technician testified that he put his hand on the Lineman's shoulder and directed him toward the door; and as the Lineman was going through the doorway, the Communications Technician closed the door, barely brushing against the employee. The Lineman testified that the Communications Technician somewhat violently "took both hands and grabbed him." The Lineman stated that the Communications Technician seemed to have "lost his temper, and grabbed his shoulder and forearm."

Discussion

The Company opined that physical contact between employees is a very serious matter and unacceptable. The Union agreed that physical contact between employees was inappropriate, however, disagreed as to the extent of the contact between the two employees. The Union opined that the Communications Technician only touched the Lineman's shoulder and directed him towards the door. The Union went on to state that, inasmuch as the altercation took place between the two employees, there appeared to be disparate treatment by the Company only reprimanding the Communications Technician by giving him a day off and

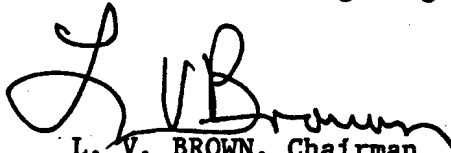
April 26, 1984


disciplinary letter and no discipline whatsoever to the Lineman. The Committee further discussed the credibility of the two employees, inasmuch as there were no witnesses.

Decision

The Committee agreed that, inasmuch as there were no witnesses and since there was no major physical altercation, that the one day suspension to the Communications Technician appears to be too severe especially since the Lineman was not disciplined. The Committee agreed, however, that the Communications Technician should be more severely disciplined than the Lineman since he did initiate the physical contact towards the Lineman. For those reasons, the Committee agreed to restore the one-day disciplinary suspension to the Communications Technician but agreed that he should be written a letter outlining that physical contact between employees is inappropriate; and in the future if disagreements occur, he should leave the room and contact a supervisor.

Based on the above, this case is considered closed and should be so noted by the Local Investigating Committee.


L. V. BROWN, Chairman
Review Committee


R. W. STALCUP, Secretary
Review Committee

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