

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

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INTERNATIONAL BROTHERHOOD OF  
 ELECTRICAL WORKERS, AFL-CIO  
 LOCAL UNION 1245, I.B.E.W.  
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 R.W. STALCUP, SECRETARY

D.J. BERGMAN, CHAIRMAN

**CASE CLOSED**  
**LOGGED AND FILED**  
**RECEIVED OCT 31 1984**

- DECISION  
 LETTER DECISION  
 PRE-REVIEW REFERRAL

General Construction Grievance No. 3-1223-83-66  
 P-RC No. 937

October 30, 1984

MR. R. S. BAIN, Chairman  
 General Construction  
 Local Investigating Committee

MR. MIKE MC KINNEY, Chairman  
 General Construction  
 Local Investigating Committee

Grievance Issue

Alleged harassment of Shop Stewards for Union activities.

Facts of the Case

The grievants are a Working Foreman B and two Welders. The grievants are Shop Stewards.

On August 16, 1983, the Working Foreman B, who lives in Newark, was transferred from a 36" pipeline job in Fremont to a Rule 20 underground duct job also in Fremont.

On August 26, 1983, the three grievants were sent on special assignment to Watsonville. They returned to their regular job headquarters shortly afterward.

On September 20, 1983, one of the Welders, who lives in Oakley, was transferred from the 36" pipeline job to McDonald Island.

Also on September 20, 1983, the other Welder, who lives in Modesto, was transferred from the Fremont 36" job to Concord.

The grievants claim that these transfers and the special assignment were part of a pattern of harassment by supervision as a result of their (the grievants') Union activities. The grievants cited, to the Local Investigating Committee, several other alleged instances and items of harassment by supervision, including derogatory and threatening comments by the General Foreman and a Foreman (e.g., Union is a bunch of Communists, Union is bad for the Company and country, won't get anywhere in Company as a Shop Steward); the same Foreman refusing to communicate with one of the grievants; a threat that further overtime work would not be given to employees who complain about overtime meal practices; changes in the grievant's job duties.

The General Foreman and Foreman gave the Local Investigating Committee various business-related reasons for the transfers of the grievants (sending them closer to home, providing additional work experience, etc.) and the special assignment (three other Welders were sent on special assignment to Watsonville the week immediately prior to when the grievants were sent there).

The General Foreman told the Local Investigating Committee that he could not remember whether he had ever made a statement that the "Union is a bunch of Communists." The Foreman denied making derogatory or threatening remarks about the grievants or their Union activities.

### Discussion

Section 1.1 of the Union Agreement reads as follows:

#### PRINCIPLES

The parties recognize that the free private enterprise system in the United States has produced the highest standard of living anywhere in the world, and they hereby confirm their adherence to, and belief in, that system. In accordance with such belief, the parties support the principle of private ownership of public utilities under enlightened regulation by public authority. Further, the parties support the principles of collective bargaining and self-organization.

Section 5.3 of the Agreement reads:

#### NONDISCRIMINATION

Company shall not discriminate against any employee because of his membership in Union or his activity on behalf of Union.

Sections 7 and 8 of the Taft-Hartley Act read, in part:

Section 7. Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, and shall also have the right to refrain from any or all of such activities except to the extent that such right may be affected by an agreement requiring membership in a labor organization as a condition of employment as authorized in Section 8(a)(3).

#### UNFAIR LABOR PRACTICES

Section 8. (a). It shall be an unfair labor practice for an employer:

1. to interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in Section 7;
2. to dominate or interfere with the formation or administration of any labor organization---
3. by discrimination in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization---

Decision


The grievants' testimonies indicate that some of the foregoing probably were violated by the supervisors in question. The Company stated that Company management does not condone the alleged activities in any way, and would make certain the subject General Foreman and Foreman understand this, and that it is important to maintain harmonious relationships with the Union, its members and its Representatives. Company also agreed that future, similar proven activities by these supervisors will be severely dealt with. At Union's request, Company agreed to notify all supervisors in General Construction of management's position on harassment for Union activities and the necessity to maintain harmonious relations with the Union.

Company agreed that, as soon as work conditions permit, the grievant who is working at McDonald Island will be returned to regular welding duties.

Case closed on this basis.



D. J. Bergman, Chairman  
Review Committee



R. W. Stalcup, Chairman  
Review Committee

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