

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

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

D.J. BERGMAN, CHAIRMAN

- DECISION  
 LETTER DECISION  
 PRE-REVIEW REFERRAL

**CASE CLOSED  
LOGGED AND FILED**

JAN 18 1985

**RECEIVED JAN 18 1985**

San Joaquin Division Grievance No. 25-671-84-9  
P-RC 953

**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  
R.W. STALCUP, SECRETARY

January 18, 1985

MR. K. J. CARRIG, Company Member  
San Joaquin Division  
Joint Grievance Committee

MR. R. VAN DYKE, Union Member  
San Joaquin Division  
Joint Grievance 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(ii) of the grievance procedure, to the Local Investigating Committee for settlement in accordance with the following:

Subject of the Grievance

This case concerns a two-day disciplinary layoff given to a temporary Line Subforeman and a one-day disciplinary layoff given to each of the other two crew members for violating the Division's policy on store and coffee shop stops.

Facts of the Case

The Division Policy on store and coffee shop stops states:

"Any employee who performs work in the public view is expected to use good judgement and take a rest period in an area where there is minimal public exposure. All crews over one employee, are not to stop at commercial establishments or personal residences for the purpose of obtaining food, beverage, tobacco or personal items."

The District Electric Superintendent observed the employees in a restaurant at approximately 10:00 a.m. having breakfast. The Apprentice Lineman admitted knowing the policy and that the crew was in violation of it. The Lineman initially elected to remain in the crew truck but later changed his mind and joined the other two in the restaurant. His actions demonstrate an awareness of the policy. The temporary Line Subforeman stated that he was "not aware of the official Company policy on unauthorized stops." He believed the rules varied by headquarters and that he did not believe he had exercised poor judgement in taking his crew to eat because it was raining. Of the three, the temporary Subforeman is the only one who had previously been involved in a similar type of incident for which he was counselled and a memo to file issued (see P-RC 648).

Discussion

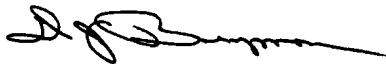
The discussions in the various steps of the grievance procedure focused not on whether or not the employees violated a work rule or that the discipline meted out was inconsistent with action taken in other similar instances, but rather what the District Electric Superintendent told the employees at the conclusion of the investigatory meeting. The superintendent told the employees that a disciplinary letter would be issued to the temporary Subforeman and memos to file for the other two. When this recommendation reached the Personnel Department, local supervision was apprised of what action had been taken in other headquarters in and out of the Division including a prior San Joaquin decision which upheld a greater degree of discipline for the crew leader involved in a store stop.

The testimony in the case indicated that the District Electric Superintendent was involved in several discussions with others concerning what the appropriate discipline should be prior to his investigatory meeting with the employees, and there was no consensus. It was also noted by the Committee that the superintendent did not confirm his statement to the employees by issuing a letter of reprimand and memos, nor was any other action taken in the interim between the investigatory meeting and the time the grievants were informed of the final decision.

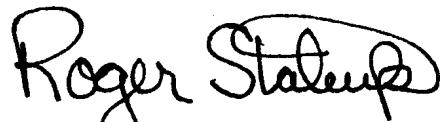
Decision

While the parties on occasion have reduced or overturned discipline based on a commitment made by employees' supervisors, given the specific facts in this case, i.e., the apparent confusion of the operating supervisors as to the appropriate discipline; the Division's history in treating these types of offenses; the awareness of two of the employees that they were violating a rule; and the temporary Subforeman's prior involvement in a store stop, the Pre-Review Committee agrees to close this case without adjustment.

Such closure should be so noted by the Local Investigating Committee.



D. J. Bergman, Chairman  
Review Committee



R. W. Stalcup, Secretary  
Review Committee

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