

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

General Construction Grievance No. 3-1537-86-45
P-RC 1145

RECEIVED MAY 19 1987

MAY 22 1987

CASE CLOSED
LOGGED AND FILED

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

May 18, 1987

RICHARD S. BAIN, Chairman
General Construction
Joint Grievance Committee

BARRY J. HUMPHREY, Chairman
General Construction
Joint Grievance Committee

Subject of Grievance

Five-day disciplinary layoff for pushing supervisor.

Facts of the Case

The grievant was hired in Line Department as a Painter on April 4, 1972. On August 15, 1977, grievant was promoted to Working Foreman D and subsequently on May 1, 1978, he was promoted to Working Foreman C. He was transferred to Fleet Services Department, which resulted in a change of classification to Painter on April 12, 1979.

On April 2, 1986, the shop supervisor asked his supervisors the cause of a loud noise the day before. He was told the grievant had thrown a ground board, striking a container vehicle. The shop supervisor and the grievant's supervisor went to the location of the ground board and examined the board and the container vehicle against which it had apparently been "banged" and determined that there was no damage to either. Both then proceeded to the shop area to question the grievant concerning this incident. They found the grievant talking with a Working Foreman.

According to the testimony of the shop supervisor, he confronted the grievant, asking if he had moved the ground boards. Upon receiving an affirmative answer, the supervisor asked him why he had slammed them (the ground board) into the container. The supervisor further testified that he outlined the possible consequences of this action in regard to damage. To this, according to the supervisor, the grievant replied, "You're picking on me and I'm going to get Union representation," and the grievant began walking away from the shop supervisor and the two Foremen.

As the grievant walked away, the shop supervisor and the two Foremen began following him. The grievant looked over his shoulder and told the shop supervisor "I'm getting tired of you." The shop supervisor replied, "I'm getting tired of you also."

May 18, 1987

Although there is some difference in the testimony of the grievant and the supervisors as to what next took place, the Local Investigating Committee determined that the grievant then turned and confronted the shop supervisor from a distance of about three inches, face to face. Both appeared aggravated, and physical contact ensued.

Discussion

The Committee agrees that any incident of physical aggression between employees whether peers or supervisors/subordinates during working hours is a serious matter. Typically, in addressing such issues, the Committee attempts to identify the aggressor, where possible. Frequently, there is mutual combat between employees, and both are disciplined. Usually, incidents of physical aggression directed towards a supervisor result in severe disciplinary action including discharge. However, where in those instances it is apparent that some action on part of the supervisor contributed to the incident, mitigation may be in order.

In the case at hand, the testimony provided by the Local Investigating Committee makes clear that the shop supervisor approached the grievant with the intent of conducting an "investigatory interview," as evidenced by the shop supervisor's testimony that he "confronted" the grievant, asking him if he moved the ground boards followed by outlining the possible consequences of the action. The grievant clearly requested the presence of a Shop Steward and attempted to disengage from discussion with the shop supervisor while he went in search of a Shop Steward.

Decision

Because of the shop supervisor's investigatory methods, the Committee agrees that some mitigation of the discipline is appropriate in this case. Based on the foregoing, the grievant's five-day disciplinary suspension will be converted to a two-and-one-half-day disciplinary suspension with a corresponding revision to the grievant's disciplinary letter.

Notwithstanding the adjustments in the discipline meted out in this case, the Committee agreed that this type of behavior is serious and cannot be tolerated and, as in other cases, severe disciplinary action will result.

This case is closed on this basis, and such closure should be noted in the minutes of the Joint Grievance Committee.


DAVID J. BERGMAN, Chairman
Review Committee


ROGER M. STALCUP, Secretary
Review Committee

RLBolf(222-5665):mc