

REVIEW COMMITTEE**PG and E**

PACIFIC GAS AND ELECTRIC COMPANY
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D.J. BERGMAN, CHAIRMAN

- ☐ DECISION
☐ LETTER DECISION
☐ PRE-REVIEW REFERRAL

SEP 24 1987
**CASE CLOSED
LOGGED AND FILED
RECEIVED SEP 15 1987**

General Construction Grievance No. 3-1677-87-39
P-RC 1217

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

September 14, 1987

PHIL G. DAMASK, Chairman
General Construction
Joint Grievance Committee

BARRY J. HUMPHREY, Chairman
General Construction
Joint Grievance Committee

Subject of Grievance

One day disciplinary layoff for insubordination and verbal abuse.

Facts of the Case

The Grievant, a Painter "B" in the Line Construction Department with four years service, had received previous disciplinary action and counseling for similar behavior on past occasions. Specifically on:

- March 27, 1986 - verbal reprimand for loud abusive behavior
- January 30, 1987 - counseling for loud abusive behavior
- February 11, 1987 - counseling for loud abusive behavior.

On March 4, 1987, grievant was advised by his supervisor that due to safety considerations, the entire crew was not to all take a break at the same time. Grievant vocally objected to such a directive and when pulled aside by his foreman to discuss the situation, the grievant began to vocally berate his supervisor's ability to run the crew and complete the job.

The foreman then gave direct orders for the grievant to stop his vocal attack and, fearing a physical confrontation (fists clenched, screaming "in my face," etc.), eventually ordered the grievant to leave the room. At that point, grievant walked away making another derogatory comment about the progress of the job.

Discussion

Both Company and Union agree that the grievant's behavior was inappropriate for the work place and warranting of disciplinary action. Company argued grievant's history of this type of behavior and the severity of the

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triggering incident (i.e., provocation of physical confrontation) was of such a serious nature that it warranted the disciplinary action. Union acknowledged grievant's prior history of this type of behavior but noted that recent incidents had only been handled by the Company via counseling sessions. Union felt the jump from verbal reprimand to one-day disciplinary layoff was too severe, given these circumstances.

Settlement

In reviewing the letter which accompanied the issuance of disciplinary time off for the grieved incident, the opening sentence was noted as reading: "... due to the seriousness of your repeated actions, this letter supersedes the letter of reprimand issued to you on Thursday, March 5, 1987 by myself for misconduct, that letter has been revoked and destroyed."

The Committee noted that it is apparent from this letter that grievant had originally been given a written reprimand rather than disciplinary time off for the incident. The Committee, recognizing it is generally inappropriate to escalate the discipline for an incident after it has been communicated, agrees to reduce the discipline in the instant case to a written reprimand and restore the grievant for the one-day disciplinary layoff.

Based on the foregoing, this case is closed with adjustment and such closure should be noted in the Joint Grievance Committee minutes.



DAVID J. BERGMAN, Chairman
Review Committee



ROGER W. STALCUP, Secretary
Review Committee

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