



# REVIEW COMMITTEE

JUN 27 1991

**CASE CLOSED  
LOGGED AND FILED  
RECEIVED JUN 25 1991**

7.1 -Just cause for Disciplin  
Gr given WR for alleged  
racial slur which came t  
lt in internal EEO inves  
igation. Co refused to  
provide EEO info to gr  
procedure. WR reduced to

**IBEW**



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INTERNATIONAL BROTHERHOOD OF  
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R.W. STALCUP, SECRETARY

D.J. BERGMAN, CHAIRMAN

ENCON Grievance No. 3-2043-89-148  
P-RC 1468

- DECISION
  - LETTER DECISION
  - PRE-REVIEW REFERRAL
- Grievance Issue:

A Written Reminder was issued to a Paint Working Foreman for alleged racial comments.

Facts of the Case:

On October 25, 1989, the grievant, a Paint Working Foreman, was issued a Written Reminder for making racial comments. These racial remarks were reported during the course of an Internal Audit and subsequent EEO investigation involving another employee.

Seven witnesses interviewed during the EEO investigation stated that they had also heard the grievant make derogatory racial comments on several occasions. Due to the confidential nature of EEO investigations, the witnesses were not made known to the grievant and he was therefore unable to face his accusers.

Discussion and Decision:

The Company and Union discussed at great length the conflict between the right of the grievant to face his accusers in the grievance process and the confidentiality associated with EEO investigations.

Company, after consultation with the Law Department, agreed that EEO confidentiality must not be breached. However, when witnesses in EEO investigations do not want their identities made known, no formal disciplinary action against an employee will occur as a result of information obtained during that investigation. The employee so accused will be Coached and Counseled and notified that a problem may exist.

Although the grievance in this issue is moot due to the expiration of the Written Reminder, the above mentioned procedure will be followed in future similar cases.

This case is considered closed based on the foregoing. Such closure should be so noted by the Joint Grievance Committee.

DAVID J. BERGMAN, Chairman  
Review Committee

ROGER W. STALCUP, Secretary  
Review Committee