



**Pacific Gas and
Electric Company**

REVIEW COMMITTEE



IBEW

PACIFIC GAS AND ELECTRIC COMPANY
2850 SHADELANDS DRIVE, SUITE 100
WALNUT CREEK, CALIFORNIA 94598
(510) 974-4282

RECEIVED
JULY 15, 1999
CASE CLOSED
FILED & LOGGED

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W.
P.O. BOX 4790
WALNUT CREEK, CALIFORNIA 94596
(510) 933-6060
PERRY ZIMMERMAN, SECRETARY

MARGARET A. SHORT, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

North Valley Division Grievance No. CHI-98-08
Fact Finding No. 6754-98-129
Pre-Review Committee No. 2204

Sierra Division Grievance No. AUB-97-07
Fact Finding No. 6892-99-050
Pre-Review Committee No. 2207

FRED CLARK
MOLLY WILLIAMS
Company Member
Local Investigating Committee

MICKEY HARRINGTON
PHIL CARTER
Union Member
Local Investigating Committee

Subject of the Grievances

These cases concern whether the DML's given to the grievants were for just and sufficient cause.

Facts of the Cases

PRC 2204/CHI-98-08

The grievant, a Gas Service Representative, left his assigned area and traveled approximately 12 miles in search of his estranged wife. By his own testimony, he entered a loft/apartment area where he observed two people in a blanket and he left. There is disputed testimony as to whether he also entered the main house. It is without dispute that he was out of his area, did not have permission to leave his area, had no company business to conduct at the location he visited, and that no one at the residence gave him permission to enter either the main house or the loft area. The grievant's actions caused the owner of the residence to call-in a complaint to the Company and to the local police about trespassing. The grievant had no active discipline at the time the DML was given.

PRC 2207/AUB-97-07

The Grievant, a Gas Crew Foreman, was given a DML for getting into a trench with blowing gas and poking around with a shovel. The grievant did not have on protective

equipment, a flash suit. The grievant is long service and had no active discipline at the time of the incident.

Discussion

In both cases, the Union opined that the discipline was too severe. Further, the Union observed that the Company seems to be issuing DML's with greater frequency bypassing lower steps in the disciplinary process, particularly for safety related issues.

Union expressed concern that the intent of positive discipline is to provide the opportunity to correct deficient performance and build commitment (not merely compliance) to expected performance in a manner that is fair and equitable to all employees. Each step is a reminder of expected performance, stressing decision making and individual responsibility, not punishment. Union also expressed concern that if the Company skips steps of positive discipline that does not allow the employee the opportunity to correct deficiencies and build commitment.


Company agreed with Union as to the intent of the disciplinary procedure but noted that it is not mandatory to go through each disciplinary step. The parties have upheld discipline and discharge cases at a precedential grievance level where disciplinary steps have been skipped, especially, but not limited to, in the conduct category.

Company further opined that there is certainly renewed emphasis on safety and more attention is being paid to unsafe acts and failure to follow appropriate work procedures. The level of discipline, however, continues to be determined based on the seriousness of the incident and/or the seriousness of the consequence of the employee's error. In both of these situations, serious transgressions occurred.

Also, of concern to the Union is the fact that both of these DML's have deactivated during the time they were being processed through the grievance procedure.

DECISION


Inasmuch as the discipline has deactivated, the PRC agrees to close these cases as moot. However, the parties will make concerted effort to move these discipline cases through the procedure with dispatch so that an answer as to just cause is rendered within the active time frame of the grieved discipline.



Margaret A. Short, Chairman
Review Committee

7/14/99

Date



Perry Zimmerman, Secretary
Review Committee

7-15-99

Date