



**Pacific Gas and
Electric Company**

REVIEW COMMITTEE



IBEW

PACIFIC GAS AND ELECTRIC COMPANY
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INTERNATIONAL BROTHERHOOD OF
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LOCAL UNION 1245, I.B.E.W.
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PERRY ZIMMERMAN, SECRETARY

MARGARET A. SHORT, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

RECEIVED
AUG. 13, 1999

CASE CLOSED
FILED & LOGGED

Hydro Generation Grievance No. NAH-98-18
Fact Finding File No. 6826-98-201
Pre-Review Committee No. 2210

DAWN SCHMIDT
Company Member
Local Investigating Committee

PHIL CARTER
Union Member
Local Investigating Committee

Subject of the Grievance

This case concerns a Written Reminder issued to a Water System Operator for discharging a firearm inside Company housing at Lake Spaulding Camp.

Facts of the Case

The grievant lives in Company owned housing at Lake Spaulding Camp. On June 30, 1998 the grievant discharged a firearm inside the house. According to the grievant, he and his brother were arm wrestling, when he fell out of his chair, struck his head, and lost consciousness. When he awoke, he believed he had been struck by an intruder and secured his revolver to protect himself. He then saw his brother, mistook him for an intruder, and pointed his weapon at him. His brother then grabbed his arm and the gun accidentally discharged through the ceiling. Other employees are housed in the area, some within 50 feet.

Discussion

The crux of the issue in this grievance is how the firearm incident should be handled given the dual relationships of landlord-tenant situation, then the Company's recourse would be to pursue legal remedies afforded landlords, up to and including eviction. As an employer-employee relationship then disciplinary action, up to and including discharge could be appropriate.

The Pre-Review Committee noted that the grievant pays rent to the Company, and has signed a rental agreement which contains provisions similar to other typical rental agreements. As such, there is no disagreement that a landlord-tenant relationship exists. Along with this relationship come certain privacy rights for the tenant.

The Pre-Review Committee also noted that the rental agreement was negotiated between the parties and makes reference to resolving disputes through the grievance procedure. Additionally, the right to require Water System Operators to reside in Company housing has been negotiated by the parties. Given this, there is agreement that an employer-employee relationship also exists. Along with this relationship comes certain rights and responsibilities for both the employer and employee.

In accordance with Section 7.1, the Company has the right to establish reasonable rules and to discipline employees for failing to follow those rules (subject to appeal through the grievance procedure). One of the rules contained in the "Rules for employees occupying Company-owned cottages" is "State Department of Forestry regulations must be observed at all times". Department of Forestry regulation 261.10(d)(1) prohibits discharging a firearm in or within 150 yards of a residence. It is clear that this reasonable rule was violated by the grievant.

Given the employer-employee relationship and the nature of the incident involved in this case, the parties agree that the Company has the right to take disciplinary action. Given the potential for harm to others, the P-RC agrees that the Written Reminder was issued for just cause.

Decision

The parties agree that the Written Reminder was issued for just cause. This case is closed without adjustment.

Margaret A. Short
Margaret A. Short, Chairman
Review Committee
8/12/99
Date

Perry Zimmerman
Perry Zimmerman, Secretary
Review Committee
8/12/99
Date