



**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  
DEC. 23, 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

Sacramento Grievance No. SAC-99-28  
Fact Finding No. 7009-99-167  
Pre-Review Committee No. 2240

Melissa Montoya  
Company Member  
Local Investigating Committee

Wayne Greer  
Union Member  
Local Investigating Committee

Subject of the Grievance

This case concerns the discharge of a Meter Reader for engaging in a physical altercation with another Meter Reader who was also discharged.

Facts of the Case

On June 11, 1999, the Senior Meter Reader asked for three volunteers to split the route of an employee that called in sick. The grievant and one other Meter Reader volunteered. A third Meter Reader at the meeting did not volunteer but the Sr. Meter Reader loaded the accounts into his hand held device anyway. After the non-volunteer left the office to go to the service center to get his truck, the Sr. Meter Reader gave the grievant a map to give to the non-volunteer.

As the grievant and the other volunteer approached the non-volunteer, the non-volunteer made some inappropriate comments about the two volunteers. The grievant then attempted to give the map to the non-volunteer who refused to take it, stating that he had not volunteered for the additional work and for the grievant to just tell the Sr. Meter Reader that the grievant did not see the non-volunteer to give him the map. The grievant responded that he would not do that and for the non-volunteer to tell the Sr. Meter Reader himself. The non-volunteer took the map, crumpled it, threw it away and said to the grievant, "I can't believe you won't back me up." Heated words were exchanged.

The non-volunteer was standing between the open door of his truck. The grievant slammed/pushed the door on the non-volunteer. The non-volunteer challenged the grievant to do it again, which he did harder.

At this point, a physical altercation began. The grievant grabbed the other employee around the waist and they struggled. The grievant clasped his teeth on the other employee's thumb. The other employee dropped to his knees and his thumb was released by the grievant. The other employee struck the grievant.

The grievant then went to his personal vehicle and retrieved a baseball bat from his trunk. The other employee who had gotten into his truck to leave saw the grievant coming at him with the bat. The other employee got out of the truck, as he did not want the grievant to think he was intimidated, and charged toward the grievant. Finally, the other volunteer Meter Reader who had been trying to get the two to stop even before things became physical got between the two and broke up the fight. Both combatants then left for their respective routes.

The grievant had six 1/2 years of service and an active coaching and counseling in the work performance category for a safety violation.

Discussion

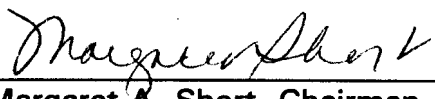
The PRC reviewed the testimony of the two combatants and that of the witnesses. While the stories had slight variations, it is clear from the record that the grievant in this case did engage in physical assault and also had the opportunity to end the fight but chose to go get a weapon (bat) from his vehicle to continue the confrontation.

The PRC also reviewed Arbitration Case No. 227 in which the arbitrator states in part:

"...when an employee crosses the line into the area of physical assault or violence that the consequence for doing so is, with very few exceptions, termination."

DECISION

The Pre-Review Committee is in agreement that the discharge was for just and sufficient cause. This case is closed without adjustment.

  
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Margaret A. Short, Chairman  
Review Committee

  
\_\_\_\_\_  
Perry Zimmerman, Secretary  
Review Committee

12/22/99  
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Date

12-22-99  
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Date