



**Pacific Gas and  
Electric Company™**

# REVIEW COMMITTEE



**IBEW**

PACIFIC GAS AND ELECTRIC COMPANY  
2850 SHADELANDS DRIVE, SUITE 100  
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(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

**Fact Finding Case No.7008-99-166  
Sacramento Grievance No. SAC-99-29  
Pre-Review Committee No. 2241**

Melissa Montoya  
Company Member  
Local Investigating Committee

Wayne Greer  
Union Member  
Local Investigating Committee

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. Two Meter Readers volunteered. The grievant did not volunteer, but the Sr. Meter Reader loaded the accounts into his hand held device anyway. After the grievant left the office to go to the service center to get his truck, the Sr. Meter Reader gave one of the volunteers a map of the area of the added accounts to give to the grievant.

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

The grievant was standing between the open door of his truck. The volunteer Meter Reader slammed/pushed the door on the grievant. The grievant challenged the volunteer to do it again, which he did harder. At this point, a physical altercation began. The volunteer grabbed the grievant around the waist and they struggled. The volunteer clasped his teeth

on the grievant's thumb. The grievant dropped to his knees and his thumb was released by the volunteer. The grievant struck the other employee.

The volunteer then went to his personal vehicle and retrieved a baseball bat from his trunk. The grievant, who had gotten into his truck to leave, saw the volunteer coming at him with the bat. The grievant got out of the truck, as he did not want the volunteer to think he was intimidated, and charged toward the volunteer. Finally, the third 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 four 1/2 years of service and no active discipline at the time of discharge.

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 continue to engage. At the outset, the PRC noted that this whole situation could have been avoided if the grievant had simply taken the map or had a discussion with the Sr. Meter Reader. It was inappropriate for the grievant to try to get another employee to lie to the lead on his behalf. The grievant had also made an inappropriate comment about the two volunteers even before they tried to give him the map.

The grievant further instigated the confrontation by daring the volunteer to slam the truck door again. At this juncture the grievant had the opportunity to leave but chose to dare the other employee. The grievant also had the opportunity to leave when the other employee went to his personal vehicle to get the baseball bat.

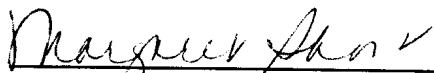
The parties have resolved disciplinary and discharge cases in the past on the basis that an employee has the right to defend himself from attack but once the employee is safe from further harm, must take steps to end the altercation. The grievant did not do that in this case, he instead chose to continue to engage.

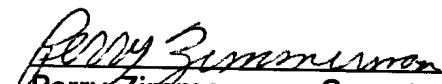
The PRC also reviewed Arbitration Case No. 227 in which the arbitrator states in part:

"...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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