

7.1; 102.2: Discharge of a Gilroy Meter Reader for inappropriate conduct with a customer was for just and sufficient cause.



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MARGARET A. SHORT, CHAIRMAN
DECISION
LETTER DECISION
PRE-REVIEW REFERRAL

REVIEW COMMITTEE

RECEIVED by LU 1245
December 13, 2004

**CASE CLOSED
FILED & LOGGED**

IBEW



INTERNATIONAL BROTHERHOOD OF
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SALIM A. TAMIMI, SECRETARY

Pre-Review Committee No. 15199 Customer Services – Meter Reading – Gilroy

Voncille Williams
Company Member
Local Investigating Committee

Bill Brill
Union Member
Local Investigating Committee

Subject of the Grievance

This case concerns the discharge of a Meter Reader for inappropriate conduct with a customer.

Facts of the Case

On May 27, 2004 the grievant declined to read one of three meters at a customer's place of business as he indicated some shrubbery prevented access to the meter. The elderly female customer approached the grievant to inquire as to why he had not read the meter. There was some discussion about the customer using a self read card. This discussion took place at the grievant's truck.

While there are inconsistencies in the factual recitation between the customer and the grievant, it is without dispute that this customer called immediately to complain about the grievant indicating he'd abruptly pulled off in his truck causing her to fall.

It is also without dispute that the grievant called his supervisor shortly after the incident. The grievant's first words were, "I think I need a lawyer." Both the supervisor and the grievant confirm this statement.

The grievant was on an active Oral Reminder resulting from a customer complaint about the grievant honking his horn disturbing customers and refusal to follow prior meter access instructions. The OR also demonstrates the grievant's lack of credibility and insubordinate attitude toward his supervisor. The OR also offers Employee Assistance to the grievant.

Four months after the OR, the grievant received a coaching and counseling for several more customer complaints.

Discussion

Union argued that Company bypassed the Written Reminder and Decision Making Leave steps of the Positive Discipline system and noted the grievant's 14 years of service.

Company responded that the grievant's conduct was a continuing pattern of inappropriate behavior and could no longer be tolerated. Further, this incident standing alone was sufficient to warrant discharge.

The PRC agreed that the grievant's first words to his supervisor were indicative of knowledge he'd done something seriously wrong.

Decision

The discharge was for just and sufficient cause. This case is closed without adjustment.

Margaret Short

Margaret A. Short, Chairman
Review Committee

12/10/04

Date

S. A. Saperstein

Sam Tamimi, Secretary
Review Committee

12-10-04

Date