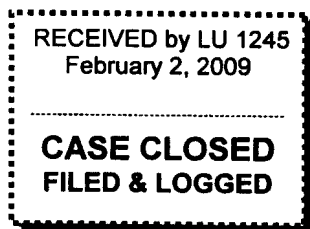




REVIEW COMMITTEE



PACIFIC GAS AND ELECTRIC COMPANY
LABOR RELATIONS DEPARTMENT
MAIL CODE N2Z
P.O. BOX 770000
SAN FRANCISCO, CA 94177
(415) 973-6725



INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W.
P.O. BOX 2547
VACAVILLE, CALIFORNIA 94696
(707) 452-2700

JOHN MOFFAT, CHAIRMAN

BOB CHOATE, SECRETARY

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

Pre-Review Committee No. 18312 Energy Delivery – Area 5 GC Gas

Debbie Sargent
Company Member
Local investigating Committee

Mike Haentjens
Union Member
Local Investigating Committee

Grievance Issue:

The grievant was issued a DML for refusing a directive and responding in an aggressive manner resulting in a physical altercation.

Facts of the Case:

The grievant questioned the foreman about who was going to be in charge. The grievant was the senior member on the crew. The day previous the foreman was planning on assigning another employee to the foreman position.

The grievant was given the assignment as temporary foreman and to call the local water company. He was provided the business card for the person to contact. The grievant aggressively told the foreman that it was not his job and put the card into the foreman's pocket. The foreman pushed the grievant back with both fist to the grievant's chest.

Discussion

The Union is not in disagreement that the employee was involved in the incident but that he was only reacting to the foreman's actions. There was a verbal dispute but not a physical altercation. The Union further argued that the discipline should be reduced due to the mitigating circumstances.

The Company argued that this is the appropriate level of discipline given the circumstances. The grievant was the aggressor and that lead up to the altercation.

Decision

This case is closed without adjustment and without prejudice to any other grievances related to this incident.


John A. Moffat, Chairman
Review Committee

1/29/09
Date


Bob Choate, Secretary
Review Committee

1/29/09
Date