

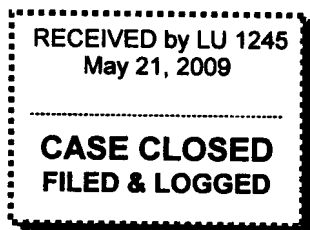


## REVIEW COMMITTEE



PACIFIC GAS AND ELECTRIC COMPANY  
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INTERNATIONAL BROTHERHOOD OF  
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(707) 452-2700



JOHN MOFFAT, CHAIRMAN

BOB CHOATE, SECRETARY

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

### Pre-Review Committee No. 18559 Energy Delivery – Gas T&D - Sacramento

Jeff Neeley  
Company Member  
Local investigating Committee

Darryl Norris  
Union Member  
Local Investigating Committee

#### Subject of the Grievance:

This case concerns the discharge of a Gas Fitter.

#### Facts of the Case:

The grievant was on a DML that was to expire on July 25, 2008. The grievant was discharged on August 21, 2008 for events that happened on May 29, 2008 and June 5, 2008 which resulted in two dig-ins.

The following is a summary of events since the grievant was placed onto the DML:

April 8, 2008, the grievant was cited for running a red light and failed to report the incident as required under SH&C procedure 239. The incident was caught on a city traffic camera and the supervisor was not aware of the incident until May 15, 2008 when he received a copy of the citation from the Company's Transportation Services. The grievant explained that he was aware of the incident on April 8 as he had the office call the City of Sacramento to see if the camera was working properly. The grievant indicated that he had a court appointment on May 23, 2008 to contest the citation and would contact the supervisor after the court hearing. The grievant failed to notify the supervisor of the court decision until he was approached by the supervisor on May 29, 2008. The grievant said it was not a Company problem.

May 15, 2008, the grievant was given a coaching and counseling for a miss-marked facilities which resulted in a dig-in on May 8, 2008

May 29 2008, Miss-marked a 2" HP plastic service which resulted in a dig- in.

June 5, 2008, Miss-marked a 1" HP plastic service which resulted in a dig- in.

Discussion

The Union argued that the DML should have been deactivated on July 25, 2008. The two incidents of the mismarks occurred between June 1 and June 5, but no action was taken until August 21, 2008. The Union further argued that the discipline for miss-marks has been inconsistent and in some cases no discipline has been administered or the Company could have demoted the employee for poor work performance.

There was no dispute that the employee failed to properly mark facilities resulting in dig- ins.

The Company argued that the Positive Discipline Agreement allows for the Company to take action if the misconduct occurred during the active period. The Company had an obligation to perform a fair and through investigation of the events to ensure that discipline would be appropriate. The agreement also states that deactivation only occurs "if an employee has maintained fully satisfactory performance during the active period." This employee's record was not fully satisfactory.

Decision

The discharge could have occurred sooner. That fact that the Company did a through investigation and that the employee was off on vacation for six weeks were causes for the delay in the termination. It is clear from the record that the misconduct occurred during the active duration of the DML. The intent of the Positive Discipline Agreement is termination occurs when the discipline has failed to bring about a positive change in an employee's behavior within the active period of the discipline. The behavior did not change during the active period.

The parties agree to close this case without adjustment.

  
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John A. Moffat, Chairman  
Review Committee

5/20/09  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Bob Choate, Secretary  
Review Committee

5/20/09  
\_\_\_\_\_  
Date