



REVIEW COMMITTEE



PACIFIC GAS AND ELECTRIC COMPANY
LABOR RELATIONS DEPARTMENT
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RECEIVED by LU 1245
September 27, 2011

CASE CLOSED
FILED & LOGGED

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

DOUG VEADER, CHAIRMAN
 DECISION
 LETTER DECISION
 PRE-REVIEW REFERRAL

F.E. (ED) DWYER JR, SECRETARY

Pre-Review Committee No. 20598 Electric Operations – Electric M&C - Marysville

Jeff Neeley
Company Member
Local Investigating Committee

Phil Carter
Union Member
Local Investigating Committee

Subject of the Grievance

This case concerns a Decision Making Leave (DML) issued to an employee for having an inappropriate calendar inside his assigned Company vehicle.

Facts of the Case

An on-call supervisor found a calendar stuck under the dashboard of the grievant's assigned Company truck. According to the supervisor, the calendar was about three inches wide with photographs of women covered only by see through robes. The on-call supervisor told the grievant the calendar was inappropriate and to remove it.

The grievant acknowledged that he did have a calendar, but that the women were not naked. They were in swimsuits and showing cleavage. He further stated that he didn't think there was anything wrong with the calendar and that he got it at a local tire shop. He removed the calendar when the supervisor told him to do so and threw it away.

In June, approximately two months before this incident, the grievant's regular supervisor and superintendent tail-boarded employees on the Employee Commitment Letter and in July tail-boarded employees regarding the Code of Conduct. In the July meeting, employees were told of an incident where inappropriate material was found in another yard. Employees were instructed to remove any inappropriate pictures including anything they may have in their vehicles. The grievant was at both of these meetings.

Discussion

The Union argued that the discipline was too severe; noting that besides the on-call supervisor, nobody else saw the calendar. Additionally, there is a dispute regarding how much clothing the women in the photographs were wearing.

The Company responded that the rules had been clearly communicated to the grievant and he chose to ignore those rules. The grievant decided to display and not remove the calendar even after being tail-boarded specifically to remove any inappropriate pictures in vehicles. While there is dispute over the extent of clothing in the photographs, there is no dispute that the pictures were not appropriate for the workplace.

The Union pointed out that it took nearly three months from the time of the incident (August 9, 2010) for the discipline to be administered (November 3, 2010). This delay has had the affect of causing an active period of 15 months instead of the agreed to 12 months. The Company responded that the active period begins when disciplinary action is administered, not from the date of the violation. There is no negotiated timeframe in which discipline must be administered and it can often be delayed due to the availability of the employee or witnesses, or the time needed for a thorough investigation. The Union pointed out that those factors were not present in this case and argued that an equity adjustment is warranted.

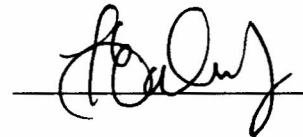
Decision

Given that it has been 13 ½ months since the date of the incident; the discipline will be deactivated effective September 21, 2011 as a matter of equity. This case is considered closed.

Doug Veader, Chairman
Review Committee

F.E. (Ed) Dwyer Jr, Secretary
Review Committee

 9/27/11
Date

 9/27/20
Date