



REVIEW COMMITTEE

IBEW



PACIFIC GAS AND ELECTRIC COMPANY
LABOR RELATIONS DEPARTMENT
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INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W.
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ROBIN WIX, CHAIRMAN

- ☐ DECISION
- ☐ LETTER DECISION
- ☐ PRE-REVIEW REFERRAL

KIT STICE, SECRETARY

Pre-Review Committee Number 23003 Electric Operations – Restoration – San Francisco

Kelda Davies
Company Member
Local Investigating Committee

Lou Mennel
Union Member
Local Investigating Committee

Subject of the Grievance

This case concerns a Decision Making Leave (DML) issued to a Cableman for a verbal altercation with a co-worker in violation of the Employee Code of Conduct, and for not following required safe work policies and procedures.

Facts of the Case

The grievant is a Cableman with 34 years of service. The grievant had no active discipline at the time of the incident.

The grievant responded to a tag from dispatch regarding an alarm in an underground enclosure. A Troubleman (Tman) was also dispatched to the location to assist the Cableman. After the job was completed, the Tman was returning to his vehicle when the grievant questioned him about his brother's whereabouts. The remark upset the Tman and a loud verbal exchange ensued wherein both employees used profanity and yelled at one another, physically coming within inches of each other. The grievant told the supervisor that the Tman had threatened him by stating he would "kick his ass". The Tman used his cellphone to video the exchange which showed that the Tman did not threaten the grievant with physical violence.

Prior to the verbal exchange, during the execution of his duties, the grievant failed to cone and chalk his truck, wear his safety glasses and hardhat, and he did not utilize an air monitor to assess and monitor the quality of the air within the enclosure as required per the Code of Safe Practices 709 Entering and Working in Underground Enclosures.

Discussion

The Union argued that a DML for a 34 year employee with no active discipline is too severe. While a verbal exchange between the two employees did occur, neither employee became physical during the argument. The grievant believed it was "just words" between two co-workers and nothing else. When the grievant told the upgraded supervisor about the incident,

he believed he was speaking to him as a peer and not as a management supervisor. The Union further argued that the grievant believed he was baited into the confrontation by the Tman in order that he could video the incident, without permission from the grievant, to use against him in an attempt to get him fired. The Union also argued that the safety infractions were human error and should have resulted in nothing more than a safety discussion as the grievant did not intentionally disregard safety procedures.

The Company argued that the grievant violated the Employee Code of Conduct by engaging in disrespectful behavior and using profanity toward a co-worker. Additionally, the altercation took place on a customer's property which can potentially impact the image and reputation of the Company. The grievant also provided false information to a supervisor and Corporate Security when he stated that the Tman threatened him. The Company further argued that the grievant violated two Keys to Life by not using appropriate PPE and not following confined space rules. These are not simply minor human errors but serious safety infractions which potentially placed the grievant and others at risk. The Company argued that the DML was for just cause.

Decision

After careful review of all the facts, the Committee agreed the discipline was issued for just cause. This case is closed without adjustment.

Robin Wix 8/12/2015
Robin Wix, Chairman Date
Review Committee

Kit Stice 8/12/2015
Kit Stice, Secretary Date
Review Committee