



REVIEW COMMITTEE

IBEW



PACIFIC GAS AND ELECTRIC COMPANY
LABOR RELATIONS DEPARTMENT
375 N. WIGET LANE, SUITE 130
WALNUT CREEK, CA 94598
(530) 246-6430

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

ROBIN WIX, CHAIRMAN

KIT STICE, SECRETARY

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

Pre-Review Committee Number 23223 Electric – Maintenance & Construction – Fresno

Monica Oakes
Company Member
Local Investigating Committee

Mike Grill
Union Member
Local Investigating Committee

Subject of the Grievance

This case concerns the issuance of a Decision Making Leave (DML) to a Lineman for being untruthful during an investigation involving a serious safety incident, and for conspiring to dispose of Company property to support the fabricated story.

Facts of the Case

The grievant is a Lineman with 10 years of service and no active discipline at the time of the incident.

The grievant was part of a three-man crew working in rubber glove mode when a serious safety incident occurred, injuring the other Lineman on the crew, on March 25, 2015. The injured Lineman was transported to the hospital and released the following day. During the initial investigation, the grievant and the Crew Foreman conspired to fabricate the details of the work they were performing that resulted in the arc flash because they were fearful they would get in trouble and were concerned about the injured Lineman. The injured Lineman agreed to go along with the fabricated story after the fact. Additionally, the crew had been utilizing a rattle gun when they were working the job. Because they were afraid the use of the rattle gun was in violation of the correct procedures, they did not disclose that they had used the gun during the job when first questioned about the incident. The rattle gun was placed in a grunt sack and disposed of in a dumpster by the Crew Foreman.

The investigation revealed that the information provided by the crew was untruthful based on material facts gathered, including the Company becoming aware that a rattle gun had been used and discarded. The crew was questioned again, and all three members admitted to falsifying information they provided related to the incident.

Discussion

The Union argued that a DML is too severe. The grievant was subordinate to the Crew Foreman who received a DML and therefore should have received a lower level of discipline. The Union further argued that the Company's historical practice of issuing heavy-handed discipline, including discharge, for safety related incidents has directly contributed to a fear based reaction from employees which has in-turn led to less than fully truthful disclosure during investigations.

The Company argued that the grievant's conduct was unacceptable and impeded an investigation into a serious safety incident. The grievant was untruthful about the actions he and the other crew members took which led to the safety incident. The discipline was issued based on the grievant's purposeful fabrication of the facts surrounding the incident which impeded the expediency of the investigation, and had it not been discovered that the crew lied about what occurred, could have led to inadequate or wrong corrective actions to be applied across the system. The grievant's purposeful fabrication of information during a Company investigation was in direct violation of the Employee Code of Conduct and the core values of PG&E. The Company further argued that the Crew Foreman's discipline had been mitigated down from consideration of termination, and therefore a DML is appropriate based on the seriousness of the grievant's actions.

Decision

The Committee discussed at length the appropriate level of discipline for the grievant based on his actions. The Union members maintained that the grievant was following the directive of his Crew Foreman. Prior to the Committee reaching agreement on the appropriate level of discipline, the Committee was made aware that the grievant had another conduct related incident. Based on the new incident, the Committee agreed to leave the employee on a Decision Making Leave. The DML will be deactivated May 26, 2017 barring any other incidents that would warrant further action. This case is closed without precedence.

Robin Wix 5/27/16
Robin Wix, Chairman Date
Review Committee

Kit Stice 5/26/16
Kit Stice, Secretary Date
Review Committee