



REVIEW COMMITTEE

IBEW



PACIFIC GAS AND ELECTRIC COMPANY
LABOR RELATIONS DEPARTMENT
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INTERNATIONAL BROTHERHOOD OF
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LOCAL UNION 1245, I.B.E.W.
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CLAIRE IANDOLI, CHAIRPERSON

KIT STICE, SECRETARY

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

Pre-Review Committee Number 23746 Gas Operations—Gas Service – Vacaville

Deborah Harper
Company Member
Local Investigating Committee

Lou Mennel
Union Member
Local Investigating Committee

Subject of the Grievance

This case concerns the issuance of a Decision Making Leave (DML) to a Gas Service Representative (GSR) for inappropriate conduct and for posting derogatory comments about his Supervisor on a social media site in violation of the Employee Code of Conduct.

Facts of the Case

Grievant was originally hired as a Hiring Hall employee in 1995 and subsequently obtained regular status in April 2011 as a GSR.

In February 2016, Grievant notified his Supervisor that his child had suffered an injury and he would need to be absent to care for her. Grievant also filed for FMLA; with a return to work date of March 2016. On March 10, Grievant did not return to work. Grievant was sent a "10-day letter" advising him that he was on unapproved time off.

On March 14, Grievant posted derogatory comments about his Supervisor on Facebook which identified the Supervisor personally and identified PG&E as his employer. His posts were sent to IBEW 1245, a GSR Facebook page and his personal Facebook page. Other PG&E employees saw the posts and commented on them. On March 15, Grievant also contacted his Supervisor and was upset and disgruntled. He was angry he had received the 10-day letter, demanded an apology and stated he was being harassed.

Subsequently, Grievant's Supervisor became aware of the comments made about him on social media; Corporate Security investigated the allegations. Corporate Security determined there was sufficient evidence to substantiate that Grievant violated the Employee Code of Conduct

but, they also found mitigating factors which included the fact that the Company's third party administrator handling Grievant's leave request, made several significant errors including failure to notify the Company of Grievant's request for leave, erroneous placement on a different leave entitlement program than FMLA, and failure to advise the Department that Grievant had requested an extension for additional leave.

During the Corporate Security investigation, Grievant admitted to posting inappropriate comments about his Supervisor on social media.

Discussion

The Union argued that the discipline was too severe given the third party administrator's mishandling of the Leave request.

The Company argued that the mishandling of the Leave request explains Grievant's behavior, but it does not excuse it. The Supervisor was not, in fact, responsible for the erroneous 10-day letter being sent. Posting inappropriate, derogatory comments on social media about one's Supervisor violates the Employee Code of Conduct and the requirement that employees treat each other with respect and courtesy.

Decision

The Committee discussed this case at length and could not agree on the appropriate level of discipline. Given the unique circumstances of this case and the fact that the discipline is now moot, the Committee agrees to reduce this case to a Written Reminder which shall not be relied upon for any pending grievances. The parties agree to close this case as non-precedential and non-referable.

Claire IAN 10/3/18
Claire Iandoli, Chairperson Date
Review Committee

Kit Stice 10/3/18
Kit Stice, Secretary Date
Review Committee