



## 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.  
P.O. BOX 2547  
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(707) 452-2700

DYLAN GOTTFRIED, CHAIRMAN

KIT STICE, SECRETARY

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

### **Pre-Review Committee Number 24431 Power Generation Hydro—Auberry**

Dylan Gottfried  
Company Member  
Local Investigating Committee

John Mendoza  
Union Member  
Local Investigating Committee

#### Subject of the Grievance

This case concerns a Decision Making Leave issued to an Elec-Tech at the Auberry Service Center for continued insubordination and violations of the code of conduct.

#### Facts of the Case

The Grievant was on an active Oral Reminder in the category of conduct at the time the DML was issued on 12/6/17. The Grievant failed to follow direct work orders on multiple occasions for different tasks that were reasonable in nature and simple to complete. The Grievant was also counselled numerous times since the Oral Reminder was issued with a shop steward present at each counseling. Additionally, the Grievant was advised during these counselling sessions that his failure to comply with direct work orders could lead to discipline up and including termination.

#### Discussion:

The Union opined that the discipline was too harsh and that the Company skipped a step in the Positive Discipline Guidelines, thus the Grievant should have been issued a lower level of discipline.

The Company argued that management made repeated attempts on numerous days to counsel the Grievant to change his behavior without issuing discipline, but the Grievant failed to change his behavior. On 12/4/17 the Grievant further demonstrated insubordination by refusing to

follow a direct work order, while a shop steward was present, even after being told that failing to comply may result in discipline. None of these facts are in dispute by the Grievant or the shop steward. The Company opines that the DML was issued for just cause. Additionally, the Company referenced PRC 2032 and other precedent decisions recognizing that the Company need not go through each step of the PD process.

Decision

After reviewing PRC 12150, ARB 215 and PRC 11568, the Committee agrees that insubordination is a serious offense and the DML was issued for just cause. This case is closed.

**For the Company:**

*/s/ Dylan Gottfried* 03/19/2019  
Dylan Gottfried, Chairperson Date  
Review Committee

**For the Union:**

*Kit Stice* 03/18/2019  
Kit Stice, Secretary Date  
Review Committee