



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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DYLAN GOTTFRIED, CHAIRMAN

KIT STICE, SECRETARY

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

Pre-Review Committee Number 24449 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 the termination of an Elec-Tech at the Auberry Service Center for gross insubordination.

Facts of the Case

The Grievant was on an active DML at the time of termination. The Grievant was issued a DML on 12/6/17 (P-RC 24431). Shortly after issuing the DML for insubordination, the Grievant repeated the exact behavior that he had just been issued a DML for. There were numerous witnesses to this behavior and to the repeated direct work orders given to the Grievant. The Grievant failed to comply with the numerous direct work orders and was subsequently terminated after the Company completed the investigation.

Discussion:

The Union opined that the discipline was too harsh, and the employee should have been given EAP assistance and thus the Grievant should not have been terminated.

The Company argued that management made repeated attempts to instruct the Grievant to comply with the instructions, and ultimately gave the grievant several direct work orders to get him to comply. The actions by the Grievant were witnessed by numerous people and none of them disputed the Grievant's actions, including the Grievant. The Company opined this was a classic case of gross-insubordination and the Grievant was warned numerous times that his

failure to comply with the direct work orders could lead to termination, therefore there was just cause for this termination.

The Committee reviewed ARB 273 and noted the arbitrator mentioned that when a grievant is on a DML their job "is hanging by the proverbial silver thread." In reviewing PRC 12150, ARB 215 and PRC 11568 the Committee agrees that insubordination is a serious offense that can lead to termination.

Decision

The Committee agreed the termination was issued for just cause. This case is closed.

For the Company:

1st/ 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