



REVIEW COMMITTEE



PACIFIC GAS AND ELECTRIC COMPANY
LABOR RELATIONS DEPARTMENT
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INTERNATIONAL BROTHERHOOD OF
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KATHY LEDBETTER, CHAIRPERSON

LLOYD CARGO, SECRETARY

Pre-Review Committee Nos. 25524 & 25568 Gas Operations – GC Gas – Stockton

Lisa Bechtel
Company Member
Local Investigating Committee

Rey Mendoza
Union Member
Local Investigating Committee

Subject of the Grievance

These cases concern a Decision Making Leave and subsequent termination of a GC Gas Utility Worker.

Facts of the Cases

PRC No. 25524

In September 2020, the Grievant reported 1 hour and 20 minutes late to his base camp assignment. As he was driving between his lodging and base camp, he was observed by a credible witness speeding and driving recklessly. The witness followed the Grievant and attempted to speak to him about his driving. The Company investigation determined that the above facts were accurate and further that during the conversation with the witness, the Grievant acted inappropriately including stating incorrect facts about his supervisor's location.

At the time the Decision Making Leave was issued for the above, the Grievant had three active Oral Reminders -- one in each category of Positive Discipline.

PRC No. 25568

The same Grievant was discharged in January 2021. In this incident, the Company investigation determined the Grievant had not worn proper footwear at a job site. When Grievant was asked to put on the appropriate PPE by a Working Foreman the Grievant behaved unprofessionally. In addition, the Company investigation also determined that the Grievant had not been truthful during the investigatory interviews.

Discussion

The Committee reviewed the facts of both cases and noted that the supervisor had utilized multiple Coaching & Counseling sessions to provide the Grievant with expectations on safe work practices, appropriate conduct in the workplace and attendance. These C&C discussions then resulted in the three Oral Reminders when expectations were not met. This fact alone documents that the Grievant was clear as to the importance of all three areas.

The Committee agreed that the facts of PRC No. 25524 demonstrate that the Grievant failed to report to work on time, recklessly drove a company vehicle, and acted inappropriately with the witness.

As to the facts of PRC No. 25568, the Pre-Review Committee agreed that the Grievant had failed to wear proper footwear and was not truthful during the investigation process.

In Letter Agreement No. 13-05, the parties agreed that the Company will only consider discipline for safety as follows:

The parties agree that discipline for safety-related incidents will only be considered when an employee acts in a reckless manner, demonstrates a pattern of carelessness or non-compliance, puts themselves, their co-workers or the public at risk by intentionally violating a Key to Life, or violates the Code of Conduct.

The Pre-Review Committee noted that in both PRC No. 25524 and PRC No. 25568, the Grievant had acted in a reckless manner and then continued with a pattern of carelessness.

Decision

In PRC Case No. 25524, given the active Positive Discipline as well as the seriousness of the facts in this case, the Pre-Review Committee agreed that the Decision Making Leave is appropriate and for just cause.

Given the active Decision Making Leave and that the facts of PRC No. 25568 demonstrate a continued pattern of carelessness as well as untruthfulness, the termination in this case was appropriate and for just cause.

These cases are to be considered closed without adjustment based on the above.

For the Company:

For the Union:


October 14, 2021
Kathy Ledbetter, Chairperson Date
Review Committee


October 14, 2021
Lloyd Cargo, Secretary Date
Review Committee