



REVIEW COMMITTEE

IBEW



JAN 14 1993

**CASE CLOSED
LOGGED AND FILED**

RECEIVED JAN 11 1993

PACIFIC GAS AND ELECTRIC COMPANY
201 MISSION STREET, 1513A
SAN FRANCISCO, CALIFORNIA 94105
(415) 973-1125

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W.
P.O. BOX 4790
WALNUT CREEK, CALIFORNIA 94596
(415) 933-6060
R.W. STALCUP, SECRETARY

D.J. BERGMAN, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

REVIEW COMMITTEE DECISION

**Stanislaus Division Grievance No. SJR-STN-91-3
Review Committee Case No. 1746-92-17**

Subject of the Grievance:

This case concerns the Company's discharge of a Gas Serviceman for continued unsatisfactory work performance.

Facts of the Case:

The grievant is a Gas Serviceman in Oakdale with 18 years service, the last 11 years as a Gas Serviceman. During the 12 months preceding the grievant's discharge, he received a Written Reminder, a Decision Making Leave, and was formally counseled twice due to hazards or potential hazards left at customers' homes.

Due to his demonstrated performance he was given additional training in Modesto which he successfully completed in 1989. Following his Written Reminder in July 1990, he was again offered an opportunity to attend training, but chose not to participate in additional training. After receiving a Decision Making Leave in April 1991, he was offered an opportunity to take a voluntary demotion to Utility Worker, but elected to remain in the Serviceman classification.

The grievant's work was audited on June 27 and 28, 1991 and a potential hazard was found at one customer's residence and a hazard (a five-inch crack in the back of a fire box) was discovered at a second residence. The grievant was subsequently discharged for unsatisfactory work performance.

Discussion:

The Union argued that discharging the grievant was too severe considering the grievant's long service and lack of problem areas other than Serviceman work performance. The Union contends that the Company should have demoted the employee in lieu of discharging him.

Company opined that the Positive Discipline Guidelines specifically state that demotion to a lower classification may be appropriate only if a performance problem is caused by an ability deficiency. A review of the grievant's available audit history notes that he had passing scores on the majority of audits between 1984 and 1987 and that the majority of audits have not been at a passing rate only during the last few years. The Company believes that the grievant has demonstrated the ability to perform the work satisfactorily in the past, has the ability to perform the job satisfactorily now due to some recent passing scores, but for unknown reasons is not consistently using his ability to perform his duties satisfactorily.

The Review Committee reviewed Arbitration Case No. 169 (1990) which dealt with the discharge of an employee with 18 years service for continued unsatisfactory work performance. In that case the arbitrator stated "Even though the grievant was an 18 year employee, the Company gave him every opportunity to improve and the Company cannot be required to continue to employ, even in a lower classification, an individual who is unwilling to make a sufficient effort to perform his job ... the Company was not required to demote the grievant as an alternative to discharge."

Decision:

The Review Committee agreed that the grievant was discharged for just cause. This case is closed and should be so noted by the Local Investigating Committee.

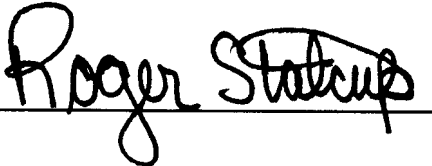
FOR COMPANY:

William J. Eddy
Ken Nata
Lawrence F. Womack
David J. Bergman

FOR UNION:

Pat Nickeson
Fred H. Pedersen
Arlis L. Watson
Roger W. Stalcup

By 

By 

Date 1-7-93

Date 1/7/93