



# REVIEW COMMITTEE



## IBEW

PACIFIC GAS AND ELECTRIC COMPANY  
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OCT 27 1994  
**CASE CLOSED  
LOGGED AND FILED**  
RECEIVED OCT 27 1994

INTERNATIONAL BROTHERHOOD OF  
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R.W. STALCUP, SECRETARY

RICK R. DOERING, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

North Coast Grievance No. STR-94-01  
Pre-Review Committee File No. 1738  
Review Committee File No. 1772

### REVIEW COMMITTEE DECISION

Lorraine Noss  
Company Member  
Local Investigating Committee

Larry Pierce  
Union Member  
Local Investigating Committee

Grievance Issue: Discharge of a Meter Reader/Utility Clerk for failing to possess a Valid California Driver's License.

Facts of the Case:

The grievant is a Meter Reader/Utility Clerk in Guerneville with an employment date of January 20, 1970. The grievant prior to this incident had no active disciplinary record.

On March 8, 1993, the grievant was given a temporary license for 45 days as a result of a DUI. The grievant voluntarily began participation in a Kaiser Hospital Therapy Support Group and also began working with the Company's EAP representative.

The EAP representative suggested that the grievant tell his supervisor about the loss of his driver's license. The grievant stated he felt uncomfortable with the supervisor and elected not to come forward.

The grievant began to attend AA sessions in Santa Rosa in April which was mandated by the Court.

In December 1993, while he was on an EAP approved leave, the grievant informed the Company that he had lost his license in March. The grievant told the Company that he would not get his license back until October 1994, but had a chance of obtaining it in April 1994.

Employees at the headquarters complained about the grievant for not treating them with respect. At the same time the grievant complained about his cars being damaged and the difficult time he had finding meters. The supervisor counseled the office that they needed to be a team and work together.

The human resources representative and the supervisor were working to effect a temporary solution to the grievant's problem fitting into the work group. Diversity Awareness was planned, tailboard briefings on harassment free workplace and a temporary Meter Reader position in Santa Rosa was identified as temporary solutions for the grievant's problems. The Company was also going to conduct an internal EEO investigation. This investigation, however, was not done prior to the discharge.

The Company stated in the LIC Report that the DML was appropriate level of discipline for operating a Company vehicle without a license. It was decided by the Company, however, to discharge the employee because: demotion was not an option because he was at an entry level position; that there was no need for utility clerk support in Guerneville and he was never utilized as a Utility Clerk; that help needed in Santa Rosa was for a Service Representative and since the grievant would be at DML he would not be eligible for upgrade; that multiple moves would be required to accommodate the grievant which would result in an increase cost to Company.

The following agency employees were employed by the Company:

<u>Name</u>	<u>Hired</u>	<u>Terminated</u>	<u>Position</u>
Susan Frank	12/29/93	2/28/94	Utility Clerk-Typist Santa Rosa
Ben Parystadt	12/2/93	3/2/94	Utility Clerk Santa Rosa

The grievant received a restricted license on February 8, 1994, which allowed him to and from work and driving the course of employment.

Discussion and Disposition:

The Committee agrees that a DML in this case is appropriate as stated by the Company Representative in the LIC Report. The issue remaining for the committee is whether accommodations should have been made. It appears from the report that a temporary accommodation was being arranged in order to complete an internal EEO investigation and that the grievant was willing to waive any temporary headquarters expense. The accommodation would have only been until late April, albeit at the time the decision was made this was unknown.

The issue of post discharge information the Company made at Fact Finding is valid but the discharge was not based on his misconduct but the Company's inability to accommodate. Given the fact of the employees long service, unremarkable discipline history, and the fact that at one point the Company was willing to accommodate the grievant, this Committee agrees the discharge was not for just cause.

The grievant has subsequent to the discharge been receiving temporary disability payments as a result of an industrial injury. The Committee agrees to reinstate the grievant as a Utility Clerk/Meter Reader in Santa Rosa. The grievant is entitled to supplemental benefits retroactive for the period of his disability. The grievant will be at the DML step of positive discipline upon his return to work. The active period will begin on the date he reports to work. The grievant's bid will not be restrictive as provided by Subsection 18.11 of the Agreement.

This case is closed without further adjustment.

For the Company:

John A. Moffat  
William G. McLoughlin  
Larry F. Womack  
Jane K. Yura

By: *John G. Moffat*  
Date: 10/27/94

For the Union:

Roger W. Stalcup  
William Bouzek  
Sherrick Slattery  
James G. Lynn

By: *Roger Stalcup*  
Date: 10/25/94