



## REVIEW COMMITTEE



PACIFIC GAS AND ELECTRIC COMPANY  
LABOR RELATIONS DEPARTMENT  
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INTERNATIONAL BROTHERHOOD OF  
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ROBIN WIX, CHAIRMAN  
 DECISION  
 LETTER DECISION  
 PRE-REVIEW REFERRAL

KIT STICE, SECRETARY

### **Review Committee Number 22700 Electric Operations – Hydro Maintenance – Rodgers Flat**

Julia Albuquerque-Kurtz  
Company Member  
Local Investigating Committee

Kit Stice  
Union Member  
Local Investigating Committee

#### Subject of the Grievance

This case concerns a Decision Making Leave (DML) issued to a Telecommunications Technician for removing an “out of service” tag from his Company assigned vehicle and asking the Garage Mechanic to lie to his supervisor.

#### Facts of the Case

The grievant is a Telecommunications Technician with 12 years of service. The grievant had no active discipline at the time of the incident.

The grievant was experiencing mechanical problems with his assigned truck and took the vehicle to the garage to have the vehicle serviced. The grievant told the garage mechanic the truck was making a noise in the engine and had extreme vibration. The grievant asked the mechanic to also check the steering as it appeared to be stiff. The mechanic completed the maintenance and advised the grievant everything appeared to be okay with the truck. As the mechanic was returning to the garage area he received a call from his supervisor, and after discussing the issues related to the truck, the supervisor asked the mechanic to take the truck out of service and send it to the dealer as this was the second complaint of mechanical problems related to this specific vehicle.

The mechanic placed an “out of service” tag on the vehicles steering column, but had not yet filled out the tag or notified the grievant the truck was being taken out of service. The grievant returned to the vehicle and removed the blank out of service tag, preparing to report to the facility where an alarm was sounding. When the garage mechanic observed the grievant starting to drive away, he stopped the grievant and advised him that the garage supervisor wanted the vehicle taken out of service and returned to the dealer to be checked. The grievant handed the mechanic the blank “out of service” tag and told him to tell the garage supervisor that he didn’t have a chance to place the tag in the vehicle before the grievant left, and he proceeded to drive away.

Discussion

The Union argued that a DML was too severe. The garage mechanic fully serviced the vehicle and determined that the vehicle was ready to be used, which he relayed to the grievant when he handed him the keys. The "out of service" tag had not been filled out by the mechanic and therefore the grievant had no idea the garage supervisor had advised the mechanic to take the vehicle out of service when he removed the tag. The grievant was concerned about responding timely to an alarm at one of the facilities he was monitoring and had not been able to reach his supervisor for assistance, nor was he able to obtain another vehicle to use. Since the garage mechanic had cleared the vehicle to be used, the grievant did not believe there was a safety concern in driving the vehicle. The Union further argued that the Company could not have been overly concerned about the safety of the vehicle because rather than being towed to the dealership in Chico, it was driven there through winding canyon roads. Additionally, the dealership found no problems with the vehicle, just as the mechanic had told the grievant.

The Company argued that the grievant knew an "out of service" tag meant the vehicle should not be used, regardless of whether or not he believed it was safe to drive. Additionally, the grievant confirmed that he told the mechanic to tell his supervisor that the mechanic was unable to put the "out of service" tag in the vehicle prior to the grievant leaving the garage. The grievant acted recklessly when he removed the "out of service" tag from the vehicle, potentially placing himself and others in an unsafe situation. Additionally, the grievant violated the Employee Code of Conduct when he asked another employee to lie on his behalf.

The Committee discussed this case at length and agreed that purposely violating safety procedures and then asking another employee to be dishonest with his supervisor is a serious offense, and based on the totality of circumstances, may warrant a high level of discipline or possibly discharge. In this specific case, the Committee determined there were mitigating factors which included the grievant's removal of the tag from the vehicle was based on the tag being blank and the immediate prior communication from the garage mechanic that the vehicle was in proper working order; the alarm sounding at a PG&E facility in which the grievant was responsible and his inability to reach his supervisor or obtain another vehicle; and the final determination by the dealership that the vehicle was in proper working order which negated potential safety concerns for operating the vehicle.

Decision

Based on the foregoing mitigating factors, the Review Committee agreed to reduce the DML to a Written Reminder in Conduct. This case is closed based on this adjustment.

**For the Company:**

Robin Wix  
Rod Williams  
Tanya Moniz-Witten  
Chris Zenner

**For the Union:**

Kit Stice  
Jim Brager  
John Blaylock  
Karen Russell

Robin Wix      5/27/15  
Robin Wix, Chairman      Date  
Review Committee

Kit Stice      5/27/15  
Kit Stice, Secretary      Date  
Review Committee