



REVIEW COMMITTEE



PACIFIC GAS AND ELECTRIC COMPANY
LABOR RELATIONS DEPARTMENT
375 N. WIGET LANE, SUITE 130
WALNUT CREEK, CA 94598
(408) 282-7464

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W.
P.O. BOX 2547
VACAVILLE, CALIFORNIA 94696
(707) 452-2700

KATHY LEDBETTER, CHAIRPERSON

LLOYD CARGO, SECRETARY

**Review Committee Numbers No. 24753
Arbitration No. 369
Gas Operations – Gas Service – Modesto**

Deborah Harper
Company Member
Local Investigating Committee

Ryan Skelton
Union Member
Local Investigating Committee

Subject of the Grievance

This case concerns the termination of a Gas Service Representative for continued failure to follow work procedures, entering false information into the Field Automation System (FAS), and continued unavailability issues.

Facts of the Cases

The Grievant was hired by the Company in 2014. At the time of his termination in August 2018, he had been issued a Decision Making Leave as well as six Coaching and Counseling (C&C) as a result of both work performance and conduct issues.

In July 2018, three separate incidents occurred that led to the Company's decision to terminate the Grievant. The first incident resulted from a customer complaint wherein the Company determined the Grievant did not physically enter the customer's home to complete the work assigned and failed to follow multiple procedures as well. The second incident involved the Grievant raising his voice and becoming argumentative with the Lead GSR who was providing coaching. The third incident involved a continuing pattern of taking time off for his Sunday scheduled workday under sick relative without having any paid sick time available.

The Local Investigating Committee (LIC) noted that the Grievant's Performance Record indicated the supervisor provided a Coaching and Counseling to the Grievant on July 25, 2018. The Union maintained the termination was mitigated by the fact that the Grievant had already received discipline and the termination would be considered double jeopardy. The Company maintained

it was an error on the supervisor's part when documenting the investigatory meeting and that the employee had not been issued a C&C.

Discussion

There was no dispute that the Grievant had been provided ample opportunity to improve overall performance prior to the final incidents. The single dispute in this case centered around the events of July 25, 2018.

The Union maintained that this meeting was documented in the Employee Performance Record as a Coaching & Counselling. As such, the subsequent termination was considered as double jeopardy and is a violation of the Positive Discipline Agreement (LA 87-189). The Union opined that due to this double jeopardy, the Grievant should be reinstated.

The Company opined that both parties understood the July 25th meeting to be an investigation into the final incidents and that the Grievant had not at any time been told the result of their discussion during meeting was the issuance of a C&C. This had not been identified as an issue until review of the Performance Record at the Local Investigatory Meeting. Further, the supervisor acknowledged he made an error when documenting the Employee Performance Record.

Decision

Based on the specific facts of this case, the parties agreed to an equity settlement.

The parties agreed that given the significant amount of opportunity provided to the Grievant to improve his behavior, his continued failure to do so, his short service, and the facts related to the final incidents in this case, that the termination was appropriate and for just cause.

In addition, the parties agree to amend the provisions of LA No. 87-189, Positive Discipline so that on a prospective basis, employees who have been issued a Coaching & Counseling under the provisions of LA 87-189 (PD Agreement) will receive written documentation of the discussion. The provision of Section A -- Coaching and Counselling, will be amended to state that the supervisor will provide either a copy of his/her notes of the conversation, a copy of the Employee Performance Record, or a memo documenting the basic conversation. Any of these may be sent electronically.


The Company and Union will communicate the amended Positive Discipline procedures when the Letter Agreement update is completed.

This case is to be considered closed based on the above.

For the Company:

For the Union:

Kathy Ledbetter, Chairperson Date
Review Committee

 11/16/2020

Lloyd Cargo, Secretary Date
Review Committee