



## REVIEW COMMITTEE



PACIFIC GAS AND ELECTRIC COMPANY  
LABOR RELATIONS DEPARTMENT  
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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

DAVE SANKEY, SECRETARY

**Review Committee No. 25571  
Arb No. 391  
Gas Operations- GC Gas – Rocklin**

Lisa Bechtel  
Company Member  
Local Investigating Committee

Kyle Whitman  
Union Member  
Local Investigating Committee

### **Subject of the Grievance**

This case concerns the termination of a GC Gas Backhoe Operator for violations of the Company Code of Conduct.

### **Facts of the Case**

A Company Corporate Security investigation concluded the Grievant had violated the PG&E Code of Conduct by approaching a crew while on leave and then engaging in a verbal confrontation that included verbal threats to a coworker on the site.

At the time of the termination, the Grievant had no active Positive Discipline.

### **Discussion**

The Company maintained that the Grievant approached the crew with no provocation and began the altercation with the coworker. It was the Grievant who then made statements about taking this conflict elsewhere while using profanity and insulting statements which at a minimum imply violence toward the coworker. In addition, one witness had observed the Grievant making a threat of violence.

The Union contended that while the Grievant should not have approached the crew to discuss personal business, the Grievant had not made verbal threats toward the coworker. In fact, he was the one backing away from the coworker during the confrontation. As such, the Company did not have just cause for the termination in this case and the Grievant should be reinstated.

### **Decision**


The parties agree that the Grievant should not have approached the coworker in the manner that he did and that this confrontation was a violation of the Company's Code of Conduct Policy. However, the parties did not reach agreement as to whether any threats were actually made by the Grievant or the appropriate level of discipline in this case.

After significant discussion, the parties reached an equity settlement in this case as noted below.


- The Grievant is to be reinstated as a Backhoe Operator – GC Gas in the same promo/demo area he was previously assigned. However, the specific job assignment is (and will remain) at the company discretion.
- The reinstatement will be following his successful completion of the pre-employment DOT drug screen. Failure to complete this process will result in the termination being upheld.
- Reinstatement is without backpay (straight time or overtime) or benefits for the time between his discharge and reinstatement.
- Upon return, his prior seniority date will be restored.
- Further, he will have Floating Holidays restored for 2022 as well as any sick leave balance reinstated upon return but not be awarded any vacation previously earned or accrued between reinstatement and termination.
- The Grievant will be placed on a Decision Making Leave upon his reinstatement.
- For a period of 12 months following reinstatement, any disciplinable event related to conduct will result in the Grievant's discharge. The Union agrees that the grievance procedure for any such discharge will be limited to establishing the facts.
- The Company and Union are to draft a last chance agreement that the parties and the grievant will sign to the above.

This case is to be considered closed based on the above and is without prejudice toward either party and non-transferable and non-referrable toward other cases.

**For the Company:**

 09/15/2022  
Kathy Ledbetter, Chairperson      Date  
Review Committee

**For the Union:**

 09/14/2022  
Dave Sankey, Secretary      Date  
Review Committee