



## 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.  
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VACAVILLE, CALIFORNIA 94696  
(707) 452-2700

ROBIN WIX, CHAIRMAN

KIT STICE, SECRETARY

- ☐ DECISION
- ☐ LETTER DECISION
- ☐ PRE-REVIEW REFERRAL

### **Pre-Review Committee Number 22993 Electric Operations – Restoration – San Francisco**

Kelda Davies  
Company Member  
Local Investigating Committee

Lou Mennel  
Union Member  
Local Investigating Committee

#### Subject of the Grievance

This case concerns a Decision Making Leave (DML) issued to a Troubleman for instigating a verbal altercation with a co-worker in violation of the Employee Code of Conduct, and failing to stop a co-worker from performing work unsafely.

#### Facts of the Case

The grievant is a Troubleman with 29 years of service. The grievant had no active discipline at the time of the incident.

The grievant was dispatched to act as an observer for a Cableman who responded to an alarm in an underground enclosure. The grievant failed to stop the Cableman from performing work in the underground enclosure without the appropriate PPE and air quality monitor as required by the Code of Safe Practices.

The grievant was returning to his vehicle after the job was completed when the Cableman asked him a question about his brother. The remark upset the grievant and he turned around and started walking back toward the Cableman at which time both employees began to engage in a heated argument, coming within inches of each other, raising their voices, and using profanity toward one another on a customer's property.

#### Discussion

The Union argued that a DML was too severe for a long service employee with no active discipline. The Union argued that the Company was aware the two employees had a history of not working well together and failed to take appropriate action to address the situation prior to this incident. The grievant verbally reacted to what he believed to be another derogatory remark about his brother but he never threatened the Cableman, nor did he engage in physical violence. The Union further argued that based on past encounters with the Cableman, the

grievant believed addressing his failure to follow safe work practices would only escalate into an argument, which the grievant was trying to avoid.

The Company argued that the grievant had a responsibility to stop the job when he observed the Cableman performing work duties in an unsafe manner. Additionally, the grievant violated the Employee Code of Conduct by using profanity and engaging in disrespectful behavior toward a co-worker. If the grievant was trying to avoid an argument with the Cableman, he would have ignored the remark regarding his brother and continued to his truck to respond to an IR tag he had received, rather than initiate a confrontation with his co-worker. The Company further argued that the incident took place in public on a customer's property and that the behavior exhibited by both employees negatively reflects on the Company.

Decision

The Committee learned that the grievant has resigned from the Company, rendering the grievance moot. This case is closed.

Robin Wix      8/12/2015  
Robin Wix, Chairman      Date  
Review Committee

Kit Stice      8/12/2015  
Kit Stice, Secretary      Date  
Review Committee