



REVIEW COMMITTEE

IBEW



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INTERNATIONAL BROTHERHOOD OF
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ROBIN WIX, CHAIRMAN

KIT STICE, SECRETARY

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

Pre-Review Committee Number 23222 Electric – Maintenance & Construction – Fresno

Monica Oakes
Company Member
Local Investigating Committee

Mike Grill
Union Member
Local Investigating Committee

Subject of the Grievance

This case concerns the issuance of a Decision Making Leave (DML) and the demotion of an Electric Crew Foreman for being untruthful during an investigation involving a serious safety incident, and for disposing of Company property to support the fabricated story.

Facts of the Case

The grievant was an Electric Crew Foreman with 25 years of service at the time of the incident. The grievant was on two active Oral Reminders, one in work performance and the other in conduct when the incident occurred.

The grievant was leading a crew working in rubber glove mode when a serious safety incident occurred, injuring one of the Linemen on the crew, on March 25, 2015. The Lineman was transported to the hospital and released the following day. During the initial investigation, the grievant and the uninjured Lineman on the crew conspired to fabricate the details of the work they were performing that resulted in the arc flash because they were fearful they would get in trouble and were concerned about the injured Lineman. The injured Lineman agreed to go along with the fabricated story after the fact. Additionally, the crew had been utilizing a rattle gun when they were working the job. Because they were afraid the use of the rattle gun was in violation of the correct procedures, they did not disclose that they had used the gun during the job when first questioned about the incident. The rattle gun was placed in a grunt sack and disposed of in a dumpster by the grievant.

The investigation revealed that the information provided by the crew was untruthful based on material facts gathered, including the Company becoming aware that a rattle gun had been used and discarded. The crew was questioned again, and all three members admitted to falsifying information they provided related to the incident.

Discussion

The Union argued that issuance of a DML and demotion for the same incident is a violation of the Positive Discipline Guidelines which provide for demotion to a lower classification when a performance problem is caused by a deficiency, rather than issuing discipline. The Union further argued that the Company's historical practice of issuing heavy-handed discipline, including discharge, for safety related incidents has directly contributed to a fear based reaction from employees, which has in-turn led to less than fully truthful disclosure during investigations.

The Company argued that the grievant's conduct was unacceptable and impeded an investigation into a serious safety incident. The grievant was untruthful about the actions he and his crew took which led to the safety incident. The discipline was issued based on the grievant's purposeful fabrication of the facts surrounding the incident which impeded the expediency of the investigation, and had it not been discovered that the crew lied about what occurred, could have led to inadequate or wrong corrective actions to be applied across the system.

The Company further argued that the demotion from Electric Crew Foreman to Lineman is appropriate. A crew leader has more responsibility and is held to a higher level of accountability. Crew leaders set the standard for their crew members and therefore must act with integrity and conduct themselves in a manner that supports open and honest communication at all times. The grievant's purposeful fabrication of information during a Company investigation was in direct violation of the Employee Code of Conduct and the core values of PG&E. Furthermore, the grievant discarded Company assets inappropriately, and with the direct intent to support the fabricated story. The grievant was on two active Oral Reminders, one of which was in the conduct category, at the time of the incident. Based on the severity of the grievant's conduct and his active discipline, termination was a consideration however the Company made a decision to mitigate the termination based on various factors. The DML and demotion were issued for just cause.

Decision

The Committee identified precedent cases where both discipline and demotion were issued for the same incident. The Committee agreed the DML was issued for just cause. The demotion will remain in effect until the deactivation of the DML at which time the grievant can bid for higher classifications as appropriate. This case is closed without adjustment and without precedence.

Robin Wix 5/27/14
Robin Wix, Chairman Date
Review Committee

Kit Stice 5/26/14
Kit Stice, Secretary Date
Review Committee