



REVIEW COMMITTEE

IBEW



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
☐ DECISION
☐ LETTER DECISION
☐ PRE-REVIEW REFERRAL

KIT STICE, SECRETARY

Review Committee Number 22809 Electric - Restoration – Santa Rosa

Dylan Gottfried
Company Member
Local Investigating Committee

J.V. Macor
Union Member
Local Investigating Committee

Subject of the Grievance

This case concerns the discharge of a Troubleman for allegedly engaging in harassing behavior toward his direct supervisor, failing to fully cooperate in a Corporate Security investigation, and initiating work tags for his personal property in order to perform on-duty electrical work where illegal marijuana grows were conducted.

Facts of the Case

On December 14, 2013, the grievant took photographs of his supervisor's personal vehicle, while both were off-duty, in an effort to obtain evidence against her in a work related matter. The supervisor contacted Corporate Security and the local police to file a complaint against the grievant. During the Corporate Security investigation, the grievant provided statements as to his reasons for being at the private residence of a co-worker where he encountered his supervisor's vehicle and proceeded to take photographs. The grievant's statements were determined by Corporate Security to be false based on the testimony of an independent eye witness in the matter.

In April 2014, the Company was made aware that the grievant was arrested in relation to illegal marijuana grows being maintained at properties the grievant owned. The Company discovered that the grievant had contacted Company dispatch operators on three separate occasions during work hours to have work tags initiated and assigned to him to perform unspecified electrical work at two of those properties. The Company determined that the grievant used false information to obtain the work tags in order to perform unknown electrical work during work hours, utilizing Company equipment on his personal property.

Discussion

The Union argued that the grievant was not attempting to harass his supervisor, but was merely obtaining evidence he believed was needed to support a complaint he had lodged regarding unfair treatment by his supervisor. The Union also argued that there is no communicated

Company policy prohibiting a field employee from performing work on his own property when warranted. It is the Union's position that the Company failed to provide specific evidence that the grievant initiated the work tags for anything other than normal business related work for which he was qualified to perform as a Troublemaker. Furthermore, the grievant's off duty conduct is unrelated to his position at the Company and should never have been a consideration in regards to his employment status with the Company.

The Company argued that the grievant did in fact engage in harassing behavior toward his supervisor and created an intimidating work environment. All employees have the right to a harassment free work environment as outlined in the Employee Code of Conduct. The grievant's complaints against his supervisor had been investigated by the appropriate personnel and were closed prior to the grievant deciding to investigate his work related concerns on his own, and without authority to do so. The Company further argued that the grievant utilized Company time and equipment for his own personal gain by initiating work tags for his rental properties where illegal marijuana grows were established. Had this not been the case, the grievant would not have had reason to give false information related to the need for the work tags. All of the grievant's actions violated the Employee Code of Conduct.

Decision

Prior to being scheduled for an arbitration hearing, the parties agreed to return this grievance to the Review Committee for resolution. Based on the specific facts of this case, the parties agreed to an equity settlement. The grievant will be reinstated as a Lineman at the Lakeport Service Center headquarters, without back-pay (straight-time or overtime), and with his full seniority intact. He will be placed on a DML effective the first day of his return, and the DML will remain active for a period of one year. The grievant agrees to waive his bid and transfer rights to the Ukiah headquarters for the term of the DML, and will have "a" bidding rights to the Santa Rosa Service Center (3965 Occidental Road).

This case is closed based on the foregoing.

For the Company:

Robin Wix
Rod Williams
Tanya Moniz-Witten
Chris Zenner


Robin Wix, Chairman
Review Committee

4/27/16
Date

For the Union:

Kit Stice
Robert Mohler
Karen Russell
Andrew West


Kit Stice, Secretary
Review Committee

4/27/16
Date