



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

ROBIN WIX, CHAIRMAN

KIT STICE, SECRETARY

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

Review Committee Number 22910 Electric Operations – Public Safety & Regulatory– Stockton

Debbie Sargent
Company Member
Local Investigating Committee

Ken Amaral
Union Member
Local Investigating Committee

Subject of the Grievance

This case concerns the termination of a Compliance Inspector for threatening a fellow employee with physical violence outside of regular work hours.

Facts of the Case

The grievant is a Compliance Inspector with one and a half years of service. The grievant had an active Oral Reminder in the Attendance category at the time of the incident.

The grievant was terminated on December 29, 2014, for violating the Employee Code of Conduct by threatening another employee. On October 30, 2014, the grievant called a co-worker and left two voice messages on his company phone, outside of work hours, in which he made threats of violence, including stating he was going to kill the co-worker and take his wife.

The grievant worked in Bakersfield as a Compliance Inspector and was sent to Fitness for Duty evaluations in March 2014 and again in July 2014 based on management's concerns related to his behavior. The grievant was provided a Hardship Transfer to Stockton in August 2014 due to medical reasons as recommended by his personal physician and supported by the company's Employee Assistance Program (EAP).

Discussion

The Union argued that discharge was inappropriate in this case as the actions of the grievant took place outside of work hours and were the result of a medical condition. In addition, the grievant had an established personal friendship with the co-worker and his family, and any interactions that took place outside of work were based on their outside relationship and were not related to work or under the scrutiny of their employer. The Union further argued the Company was well aware of the grievant's medical issues and therefore should have allowed the grievant to take a medical leave of absence to seek medical treatment rather than discharge him for conduct which was unrelated to his employment.

The Company argued that the grievant left voice messages on his co-worker's Company cell phone which were very serious threats of violence, including that he would kill his co-worker and take his wife. Regardless of when the messages were left, the grievant utilized company equipment to carry out the threats. The Company has made several attempts to help the grievant in the year prior to his termination including sending the grievant to two different Fitness for Duty appointments, one in March 2014 and again in July of 2014, both of which the grievant was found to be fit for duty. In an attempt to further help the grievant, the Company agreed to a medical Hardship Transfer in order to get the grievant to a location where he had family support. During the Local Investigating Committee meeting, statements given by two separate witnesses confirmed that the grievant had made comments that he did not take the medication prescribed by his doctor. The Company argued that every attempt was made to assist the grievant in seeking help, and the grievant chose not to follow through with the prescribed treatments.

The Company presented the fact that the Employee Code of Conduct outlines the Company's commitment to maintain a safe and harassment free work environment for all employees and those employees who use Company property to engage in acts or threats of violence may be terminated.

Decision

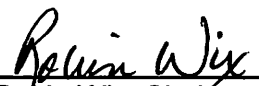
The Committee agreed the termination was for just cause in this instance. This case is closed without adjustment.

For the Company:

Robin Wix
Rod Williams
Tanya Moniz-Witten
Chris Zenner

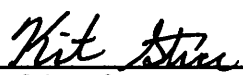
For the Union:

Kit Stice
Jeff Bennett
Robert Mohler
Karen Russell



Robin Wix, Chairman
Review Committee

7/22/15
Date



Kit Stice, Secretary
Review Committee

7/22/2015
Date