



REVIEW COMMITTEE



PACIFIC GAS AND ELECTRIC COMPANY
LABOR RELATIONS DEPARTMENT
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INTERNATIONAL BROTHERHOOD OF
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ROBIN WIX, CHAIRMAN

KIT STICE, SECRETARY

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

Review Committee Number 22927 **Gas Operations – Gas Field Services – San Francisco**

Kelda Davies
Company Member
Local Investigating Committee

Landis Marttila
Union Member
Local Investigating Committee

Subject of the Grievance

This case concerns a Decision Making Leave (DML) issued to a Gas Service Representative for inappropriate conduct toward a co-worker and supervisor in violation of the Employee Code of Conduct and for refusing to follow a work direction.

Facts of the Case

The grievant is a Gas Service Representative with 30 years of service. The grievant had no active discipline at the time of the incident.

The grievant was removing cardboard between gas meters on a pallet which caused a meter to fall over. After hearing the noise, a Materials Leadperson entered the materials staging area and asked the grievant what he was doing. The grievant told her that he wanted the cardboard that was between the meters to use in the field and did she have a problem with that. When she replied "only when you knock the new meters to the floor" and used her phone to take pictures of the fallen meters, the grievant became angry and directed profanity toward her creating a hostile work environment.

The Materials Leadperson left the area to notify a supervisor of what transpired. The supervisor came out of his office and approached the grievant to question him about the interaction at which time the grievant became further agitated and walked off toward his company vehicle. When the supervisor reached out his hand to get the grievant's attention, the grievant turned around angrily and approached the supervisor to within a couple inches of his face yelling at him. Based on the grievant's escalated behavior, the supervisor had concerns regarding his ability to operate a vehicle safely and directed him to not leave. The grievant drove his company vehicle to the third floor of the parking garage where his personal vehicle was parked.

The grievant's supervisor was notified of the situation and came to the garage to talk to the grievant. The grievant advised her that he had called the WorkCare Nurse Line and the Nurse had directed him to go to a clinic. The grievant's supervisor was also concerned about the grievant's ability to safely operate a vehicle based on his current level of agitation and directed him to come to her office to talk about what transpired. The grievant refused, stating he was going to the clinic as directed by the Nurse. Still concerned for his ability to drive safely, the supervisor directed him to come to her office, he again refused. When the supervisor asked him if he understood what it meant to refuse to follow her work direction, he responded that he did but still refused to return to her office and needed to go to the clinic per the Nurse's direction.

The grievant left the facility in his personal vehicle and drove to the clinic location provided by the Nurse, which had been closed down. He left that location and went to another clinic. The two supervisors followed him to the clinics to ensure he arrived safely.

Discussion

The Union argued that the grievant's initial reaction to the Materials Leadperson was escalated due to her taking pictures of the grievant. The grievant has denied that he was aggressive or used profanity toward the Materials Leadperson and there were no witnesses to the initial exchange between the two employees therefore it is her word against his as to what transpired. In fact, during the investigation with Corporate Security, the grievant claimed the Materials Leadperson used profanity toward him first.

The Union further argued that the supervisor exacerbated the encounter when he reached out to stop the grievant from walking away. The grievant told his supervisor he was not feeling well and he was attempting to follow the Nurse's direction to go to a clinic. The grievant's supervisor refused to allow him to follow the direction he was given by the Nurse and further escalated the situation by attempting to make the grievant come to her office to investigate the incident. The grievant was obviously upset and needed to be allowed time to calm down and attend to his medical needs. The Union argued that the two supervisors actions directly increased the grievant's level of agitation and they should have handled the situation differently. Based on these mitigating factors, the level of discipline should be reduced.

The Company argued that the grievant's response to the Materials Leadperson and the supervisor was inappropriate and a violation of the Employee Code of Conduct. Furthermore, his behavior, as described by the Materials Leadperson upon their initial contact, was consistent with his aggressive and inappropriate behavior towards both supervisors when they were attempting to determine what happened and to calm him down. A witness confirmed the escalated and inappropriate behavior by the grievant toward the supervisor, describing the supervisor's actions as calm and attempting to de-escalate the grievant's behavior, which the grievant ignored.

The Company further argued that the grievant refused to follow the work direction by his immediate supervisor three separate times. The supervisor's requirement that he come to her office was intended to allow the grievant time to calm down before he drove a vehicle, for his safety and the safety of the general public. A Decision Making Leave is the appropriate disciplinary level based on the totality of the grievant's actions.

Decision

This case has been discussed at length throughout each step of the grievance process, and at three consecutive Review Committee meetings, demonstrating how strongly the parties believe in their respective positions, however the Committee also recognizes that the DML would be deactivated (assuming nothing further occurred) prior to scheduling an arbitration hearing. The Committee agreed to uphold the DML and align the effective date with the date of the incident of November 14, 2014. This case is closed with this adjustment.

For the Company:

Laura Sellheim
Rod Williams
Chris Zenner

For the Union:

Robert Mohler
Karen Russell
Andrew West

Robin Wix 11-18-15
Robin Wix, Chairman Date
Review Committee

Kit Stice 11-18-2015
Kit Stice, Secretary Date
Review Committee