



REVIEW COMMITTEE

IBEW



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INTERNATIONAL BROTHERHOOD OF
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ROBIN WIX, CHAIRPERSON
☐ DECISION
☐ LETTER DECISION
☐ PRE-REVIEW REFERRAL

KIT STICE, SECRETARY

Review Committee Number 24662 **Electric Operations – Transmission & Distribution – Lemoore**

Monica Oakes
Company Member
Local Investigating Committee

Ryan Skelton
Union Member
Local Investigating Committee

Subject of the Grievance

This case concerns the termination of an Electric Crew Foreman for violating the Company's Employee Code of Conduct, including but not limited to, allowing misuse of Company assets, obstruction or failure to cooperate with an investigation, and dishonest/unethical behavior.

Facts of the Case

The grievant was an Electric Crew Foreman with 5 years of service. The grievant had no active discipline at the time of the incident.

The grievant was the lead over a four-person crew working mandatory overtime on Friday, March 16, 2018 for storm related duty. The crew consisted of the grievant, a second Electric Crew Foreman, a Lineman and an Apprentice Lineman.

The crew was waiting in the bullroom of the Lemoore Service Center for work tags related to the storm. The Apprentice Lineman had recently been pranked by another Lineman who was not present for the overtime assignment. The grievant told the Apprentice Lineman that he could not let the other Lineman get away with the prank, and stated, "If you cut the table I will let you go home early, we'll take care of this outage." The grievant disputed that he made this statement, however witness statements supported that the grievant suggested cutting the table and said the Apprentice Lineman could go home early if he did so.

The Apprentice Lineman left the bullroom and returned with a circular saw which he used to saw the desk and paperwork on top of the desk in half. He then used a Sawzall tool to cut the metal stabilizing bar and plastic electrical conduit underneath the table. At the direction of the grievant to place a leg under the sawed table, the Apprentice fashioned a wooden cross-arm into a table leg on one side of the cut desk and leaned the other side against the wall.

A few days after the incident, the grievant sent a text to the other three crew members and said he was scheduling a conference call at 1800 hours on Tuesday, March 20, 2018, for the four of them to talk about the ensuing investigation. During the call, the grievant said he would say that the desk cracked when he stood on top of it to reach zip ties in the ceiling and that he cut the desk in half for safety reasons after it cracked. Furthermore, the Apprentice Lineman would say he cut the calendar and other papers in half as a prank to get back at the Lineman who had pranked him.

During the interviews with Corporate Security, each employee provided the story suggested by the grievant to cover up the facts of how the desk and papers became cut in half. Upon a second interview with Corporate Security, each employee confessed to being untruthful during the initial interviews and provided information as to what really occurred.

Discussion

The Union argued that the grievant was not on active discipline and should not have been terminated for the incident but should have instead been given a Decision Making Leave (DML), as was issued to the other employees involved in the incident. The Union opined the grievant was not being malicious toward the Lineman by suggesting the Apprentice cut his desk. The grievant was only attempting to bolster his Apprentice by encouraging him to stand up for himself against the Lineman who pranked him but did not really mean for the Apprentice to cut the desk. While the grievant should not have lied during the investigation, he was merely trying to protect his Apprentice by taking the majority of the blame for what occurred.

The Company argued that the grievant initiated the entire event by telling the Apprentice Lineman to cut the desk of another Lineman. Then the grievant didn't attempt to stop the Apprentice when he returned with the saw and started cutting. The Company further argued that scheduling a call to fabricate a lie for the crew to tell the Corporate Security investigator, and then following through with lying during the investigation are clear violations of the Code of Conduct. The investigator even reminded the grievant of his obligation to be truthful during an investigation before he started the interview.

The Company stated the grievant is a Crew Foreman and has a higher level of responsibility and accountability to appropriately direct and manage his crew's behaviors in accordance with the company's Code of Conduct.

Decision

Based on the totality of the grievant's behaviors and his responsibility as a crew lead, the parties agree to close this grievance without adjustment.

For the Company:

Robin Wix 6-19-2019
Robin Wix, Chairperson Date
Review Committee

For the Union:

Kit Stice 06/18/2019
Kit Stice, Secretary Date
Review Committee