



REVIEW COMMITTEE

IBEW



PACIFIC GAS AND ELECTRIC COMPANY
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INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W.
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WALNUT CREEK, CALIFORNIA 94596
(510) 933-6060
R.W. STALCUP, SECRETARY

**CASE CLOSED
FILED & LOGGED**

MARGARET A. SHORT, CHAIRMAN

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

General Construction Grievance No. SJO-97-26
Fact Finding File No. 6648-98-023
P-RC 2152

Pam Coen
Company Member
Local Investigating Committee

Kathy Maas
Union Member
Local Investigating Committee

Subject of the Grievance

This case concerns the termination of a probationary employee as not suited for continued employment effective August 27, 1997 which was one day prior to gaining regular status.

Facts of the Case

The grievant, a Title 300 Utility Worker in OM&C, Area 3, was assigned to perform tower reconstruction work. From the file of related case, it is documented that on August 1, 1997 while working on changing insulators from towers, the grievant unhooked his safety line and fell 60 feet before he could rehook his safety line. The grievant was released as unsuited because of his unwillingness to cease climbing as he had been instructed in the past. The Subforeman of the crew received disciplinary action for allowing the grievant to climb.

The job definition of the Utility Worker (0947) states in part:

"A Utility Worker in Line Department may be permitted to learn to climb on the job in training for advancement, but shall not do line work."

Discussion

The Company opined that this grievance is not a proper subject for the grievance procedure pursuant to Arbitration Case 15A and P-RC 1136 and 1138 since the grievant was terminated for unsuitability and not a discharge for cause. The grievant had been precluded from climbing for approximately two months prior to the August 1 incident but had continued to request of the Subforeman that he be allowed to climb. P-RC 1136/1138 quotes from the arbitration case as follows:

"Knowledge of equipment and tools, attendance, safety, ability and willingness to follow instructions, performance, on academic tests, etc. These aforementioned criteria are some of the elements during the trial period on which the company must evaluate the probationary employee to determine whether or not the employee's performance upon attaining regular status, in the opinion of the Company, would be stable reliable and competent."

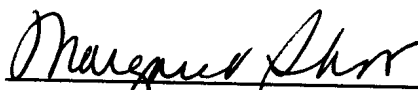
The Union opined that it was not unsafe for the utility Worker to climb since he had passed the 10 Day Climbing School and was therefore properly trained. Further, the Union argued that the grievant's termination was for cause based on statements made by the Vice President of Distribution OM&C at a meeting in September 1997.

The P-RC reviewed the testimony of the employees who were in attendance at the September meeting and noted that the Vice President did not raise the subject of the incident involving the grievant, but merely responded to questions about the situation posed by the employees, nor did the VP indicate that the grievant had been terminated for cause.

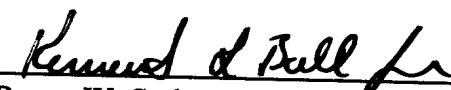
Company also stated that the meeting occurred a couple of weeks after the grievant was terminated and therefore was not a factor in the termination decision.

Decision

Based on the foregoing, the P-RC agreed that the termination of the grievant in this case was for unsuitability and is therefore not a proper subject for the grievance procedure. This case is closed without adjustment.


Margaret A. Short, Chairman
Review Committee

6/10/98
Date


Roger W. Stalcup, Secretary
Review Committee

6-10-98
Date