

REVIEW COMMITTEE

Arb. #91

PG and E**IBEW** 

PACIFIC GAS AND ELECTRIC COMPANY
245 MARKET STREET, ROOM 444
SAN FRANCISCO, CALIFORNIA 94108
(415) 781-4211, EXTENSION 1125

**CASE CLOSED
LOGGED AND FILED**

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W.
P.O. BOX 4790
WALNUT CREEK, CALIFORNIA 94598
(415) 933-6060
R.W. STALCUP, SECRETARY

D.J. BERGMAN, CHAIRMAN

DECISION
 LETTER DECISION
 PRE-REVIEW REFERRAL

San Jose Division Grievance Nos. 8-468-80-55 and
8-467-80-54
P-RC Nos. 578 and 579

March 2, 1981

MR. D. S. RIVKIN, Company Member
San Jose Division
Local Investigating Committee

MR. W. R. GREER, Union Member
San Jose Division
Local Investigating Committee

Statement of the Case

The grievances involved in the above-subject cases concern the discharges of a San Jose Gas Serviceman and a Helper. Both were suspended on June 23, 1980. On July 1, 1980, at the conclusion of its investigation, Company converted the suspensions to discharge. During the investigation, both grievants admitted to the joint preparation and submission of a falsified Report of Occupational Injury. As a result of the submission of this report, the Helper received Worker's Compensation payments as well as supplemental wage benefits.

The report alleged that the Helper had tripped over ivy plants in the course of his work on March 20, 1980, breaking a bone in his left arm. The falsification went undiscovered until about June 17, 1980, following the Helper's return to light work, when the Service Foreman received information that the accident occurred during the Serviceman's and Helper's lunch break. It was reported that they were playing basketball when the injury occurred. Both grievants later admitted that this was the case and that the occupational injury report was untrue.

Discussion

This case involves one short service employee and one long service employee. The Helper had been employed for only 18 months while the Serviceman had about 16 years of service. The Serviceman is acknowledged to be a good worker, and other than one earlier disciplinary action for violation of the congregation (coffee stop) policy on August 5, 1978, has an acceptable service record.

The members of the Pre-Review Committee do not condone either grievant's duplicity. Subsequent to the filing of these grievances, however, the former Helper took other employment and indicated to the Union that he did not wish to pursue his discharge from PG&E. For this reason Grievance No. 8-468-80-55 (P-RC 578) has been withdrawn without prejudice by Union and is considered closed without adjustment.


March 2, 1981

In the case of the Serviceman, there is a basis for the Committee to mitigate the penalty imposed by the Division. Employing the principles set forth in Review Committee decision No. 1451-1452, which in turn interprets the provisions of the Company's "fundamental honesty" policy (Standard Practice 735.6-1) and giving due regard the Serviceman's long service and overall satisfactory work record, the Serviceman-grievant's discharge will be reduced to a disciplinary layoff extending from the date of his discharge to October 4, 1980; that is, a three-month disciplinary layoff without pay.

Decision

The Serviceman will be reinstated with no break in service and with back pay from October 4, 1980 through February 4, 1981, less outside earnings during the latter period of time.


D. J. BERGMAN, Chairman
Review Committee


R. W. STALCUP, Secretary
Review Committee

LVB:ml/RWS:rlm

cc: JSCooper
RKMiler
VHLind
MEBadella
LCBeanland
LBLandford
IWBonbright
LVBrown
FCBuchholz
RHCunningham
NRFarley
CAMiller
WKSnyder
JBStoutamore
CPTaylor
RCTaylor
Division Personnel Managers