



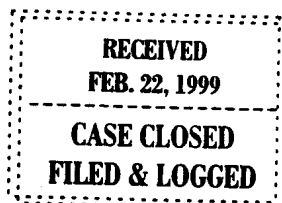
## REVIEW COMMITTEE



PACIFIC GAS AND ELECTRIC COMPANY  
2850 SHADELANDS DRIVE, SUITE 100  
WALNUT CREEK, CALIFORNIA 94598  
(510) 974-4282

MARGARET A. SHORT, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL



INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS, AFL-CIO  
LOCAL UNION 1245, I.B.E.W.  
P.O. BOX 4790  
WALNUT CREEK, CALIFORNIA 94596  
(510) 933-6060  
R.W. STALCUP, SECRETARY

Fresno Division Grievance No. FRO-97-36  
Fact Finding No. 6589-97-120  
Pre-Review Committee No. 2143

**ARBITRATION CASE NO. 232**  
(Review Committee No. 1823)

### Subject of the Grievance

This case concerns the discharge of a probationary Electric T&D Assistant from Selma for falsification of his Employment Application Job History Summary.

### Facts of the Case

The grievant was hired July 28, 1997 in Fresno and discharged August 8, 1997. He completed a new application for employment on July 8, 1997. The grievant had previously completed an application on November 28, 1989, and had worked for the Company previously from October 22, 1990 to February 13, 1996 in the GC Gas Department when he resigned breaking service. He was a Welder at the time. He was rehired March 13, 1996 through the Hiring Hall as a Field Service Rep and Gas Service Rep. He resigned again July 25, 1997.

In completing the Job History Summary on July 8, 1997, the grievant did not include all of his prior convictions. Some of the omitted convictions had been included on his previous Employment Application completed in November, 1989.

### Discussion

The Union opined that there was no intent on the part of the grievant to falsify his Employment Application. The grievant responded to one of questions based on his misunderstanding of what information was required. Company indicated that particular question has been revised since the grievant completed his Application.

This case was discussed at length many times at various steps in the grievance procedure.

Company indicated it has the unilateral right to establish employment criteria and further this employee could have been let go for unsuitability based on the criminal background check and there would be no redress through the grievance procedure. Union responded, however, that in this case, the grievant was terminated for falsification of the employment application, and thus was subject to the grievance procedure to determine just cause.

At the request of the Union, this case had been docketed for arbitration. However, prior to the hearing, Company made a settlement offer, which included reinstatement without back pay. Union determined that the grievant had been employed elsewhere almost continuously since his discharge, with earnings approximately equal to what he would have earned as a T&D Assistant with PG&E. As such, in Union's view, the issue of back pay became much less important. For these reasons, it was decided to reach a settlement that is based on the specific facts of this case and is without prejudice, and non precedential.

**DECISION**

The grievant will be reinstated without backpay following a negative return to work drug test to the position of Electric T&D Assistant in Lemoore. A positive drug test will result in the discharge being upheld. Service is bridged to July 27, 1997, however, the grievant will need to complete a probationary period and will be hired at a daily rate. Benefits eligibility will be based on his service date but applied prospectively. The grievant will be required to secure a Class A driver's license, pursuant to the provisions of Letter Agreement 97-18, within six months of his return to work. Based on the foregoing and the adjustment contained herein, this case is considered closed.

**For the Company:**

Margaret A. Short  
Ernie Boutte  
Kenneth E. Lewis  
Michele A. Silva

By: Margaret Short

Date: 2/19/99

**For the Union:**

Roger W. Stalcup  
William R. Bouzek  
Ed Dwyer  
Sherrick A. Slattery

By: Roger Stalcup

Date: 2/18/99