

REVIEW COMMITTEE**PG and E**

PACIFIC GAS AND ELECTRIC COMPANY
 245 MARKET STREET, ROOM 444
 SAN FRANCISCO, CALIFORNIA 94106
 (415) 781-4211, EXTENSION 1125

D.J. BERGMAN, CHAIRMAN

- DECISION
 LETTER DECISION
 PRE-REVIEW REFERRAL

**CASE CLOSED
 LOGGED AND FILED**

RECEIVED SEP 10 1980

North Bay Division Grievance No. 4-686-80-21
 P-RC 539
 Misuse of Company Equipment

IBEW

INTERNATIONAL BROTHERHOOD OF
 ELECTRICAL WORKERS, AFL-CIO
 LOCAL UNION 1245, I.B.E.W.
 P.O. BOX 4790
 WALNUT CREEK, CALIFORNIA 94596
 (415) 933-6060
 R.W. STALCUP, SECRETARY

MR. R. T. BUFKIN, Company Member
 North Bay Division
 Local Investigating Committee

MR. R. W. GIBBS, Union
 North Bay Division
 Local Investigating Committee

The above-subject grievance has been discussed by the Pre-Review Committee prior to it's docketing on the agenda of the Review Committee and is being returned, pursuant to Section IB(II) of the Review Committee procedure to the Local Investigating Committee for settlement in accordance with the following:

Facts of the Case

This case involves the discharge of a Utility Serviceman in North Bay Division for alleged misconduct through the use of Company equipment and tampering with another utility company's facilities.

Discussion

The grievant in this case, during the period that he was on call and assigned the Company service vehicle, visited his house which he was in the process of selling. His stated purpose was to clean the house so that he could show it the following day. Upon arrival, the grievant noticed that his water service had been disconnected and the meter removed for non-payment. The grievant then installed a Company water meter, which he had on the truck with him and proceeded to reinstate his water service in order to accomplish his house cleaning.

The grievant failed to remove the meter upon completion of the work and it was subsequently discovered by the water company. The water company filed charges with the local District Attorney. However, following restitution of estimated damages to the water company, the District Attorney's office dropped the charges.

The Committee notes that the grievant had been employed with the Company for 8½ years at the time of his discharge. The Committee further notes that his work record has been good with two exceptions. In 1976 he received a disciplinary letter regarding four avoidable automotive accidents. In October of 1978, he received two disciplinary days off without pay for using a Company vehicle without authorization while transporting his wife on a personal errand. The condition precedent in the letter included the warning that "future incidents of misconduct could result in more severe disciplinary actions up to and including discharge." Neither of these two previous situations were grieved.


Decision

The Committee notes that the decisions contained in Review Committee files 1451 and 1452 provide for judging the merits of each incident taking into account the value of the property at the time of misappropriation, the seriousness of the misconduct, the employee's service record, and length of service. The Review Committee went on to provide, however, that these considerations would not be made for an employee who has stolen Company cash or is responsible for the revenue metering diversion of natural gas, electricity, water, or steam for personal use. It is apparent in this case that the revenue metering diversion of water which occurred was not revenue of PGandE but of a neighboring utility. It is, therefore, difficult to apply that portion of the Review Committee decision to this case since the parties have clearly contemplated that such revenue diversion would take place on Company's facilities.

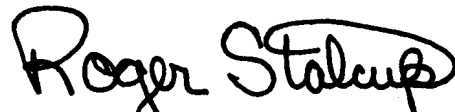
The Committee believes that a more appropriate approach would be to look to the merits of this situation and review the employee's past record. The Committee agrees, notwithstanding the grievant's satisfactory job performance, that his misuse of Company equipment, that is the meter and the vehicle, coupled with his previous disciplinary record does not provide for mitigation of the action taken. This is particularly true when the condition precedent of his most recent disciplinary action of October 2, 1978 is reviewed.

As a result the Committee concludes that the discharge of the grievant was for just and sufficient cause.

This case is considered closed on the basis of the foregoing, and the closure should be so noted by the Local Investigating Committee.



D. J. BERGMAN, Chairman
Review Committee



R. W. STALCUP, Secretary
Review Committee

PEPettigrew(1123):ml

cc: RADraeger
MEBadella
LCBeanland
IWBonbright
LVBrown
FCBuchholz
RHCunningham
NRFarley
CAMiller
JBStoutamore
WKSnyder
CPTaylor
Division Personnel Managers