

24.12

REVIEW COMMITTEE

PG and E

IBEW

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

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

CASE CLOSED LOGGED AND FILED

D.J. BERGMAN, CHAIRMAN

RECEIVED APR 9 1984

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

San Joaquin Division Grievance No. 26-635-83-69
P-RC 918

April 5, 1984

MR. R. J. STEELE, Company Member
San Joaquin Division
Local Investigating Committee

MR. W. WEAVER, Union Member
San Joaquin Division
Local Investigating Committee

The above-subject grievance has been discussed by the Pre-Review Committee prior to its docketing on the agenda of the Review Committee and is being returned, pursuant to Step Five A(ii) of the grievance procedure, to the Local Investigating Committee for settlement in accordance with the following:

This case concerns the discharge of a Service Representative in the Bakersfield Customer Services office on October 14, 1983 for allegedly diverting Company funds for herself and other employees and then attempting to conceal the action.

Facts of the Case

On Tuesday, August 30, 1983, a Customer Services Supervisor in the Bakersfield office approached the work station of an office cashier to inspect and approve a personal check from an employee which had been cashed earlier that day without the approval of a supervisor. While reviewing and approving that check, the supervisor noted that there were other employee-issued personal checks in the office cashier's money drawer that had been cashed without a supervisor's approval. The supervisor reviewed and apparently approved 4-5 checks already in the drawer.

The supervisor then proceeded to the work station of the Head Cashier, where the grievant was working, temporarily replacing the regular Head Cashier who was on vacation. The supervisor asked to examine any employee-issued checks at that station. The grievant presented the contents of the petty cash box, which contained cash, receipts, and checks. Two of the checks were employee-issued personal checks, and totalled \$900.00. One check, in the amount of \$700.00, had been issued by a Customer Services employee (Service Representative) from outside the section, and was dated August 16, 1983, fourteen (14) days prior to this review. The second check, in the amount of \$200.00, had been issued by the regular Head Cashier (who was on vacation at the time) and was dated August 31, 1983, one (1) day after this review. Inasmuch as this review took place late in the work day, nothing further occurred.

April 5, 1984

The following morning, Wednesday, August 31, 1983, a different Customer Services supervisor approached the grievant at the Head Cashier work station and asked to see the two checks. The grievant indicated that neither check was available. Further investigation brought out the fact that the grievant had conversed with each of the employees whose checks were being held and told each that their check must be picked up and replaced with cash or the check would be forwarded to the bank for deposit. The grievant indicated that the \$700.00 check written by the Service Representative from another section was forwarded to the bank. The grievant initially indicated that the regular Head Cashier called and said she would replace her check with cash, which was to have been picked up at the home of the Head Cashier on the evening of August 30, 1983 by the grievant. Following further questioning, however, the grievant admitted that she replaced the regular Head Cashier's \$200.00 check with her (the grievant's) own personal funds.

Both the grievant and the Head Cashier were placed on suspension pending investigation and were subsequently discharged on October 14, 1983.

During its investigation, the Local Investigating Committee determined that three employees, including the grievant, had been trained and were considered qualified to provide relief at the Head Cashier position.

The Local Investigating Committee also determined that between August 16, 1983 and August 31, 1983, all three employees were assigned to relieve for or to work with the regular Head Cashier. In their testimony, all three relieving employees stated that they had been trained in Head Cashier duties by the regular Head Cashier. Each stated that the regular Head Cashier had told them that it was alright to hold employee-issued personal checks without depositing them in the regular daily receipts and had instructed each of them in how to balance the petty cash by treating the employee-issued personal checks that were being held as cash.

The record indicated that the check in the amount of \$700.00 was dated August 16, 1983. However, the Service Representative who wrote the check stated during an interview with the supervisor on August 31, 1983 and again at the LIC that the check was actually written on either August 22 or August 23, 1983. Further review of the record submitted to the Pre-Review Committee shows that the regular Head Cashier was temporarily assigned to other duties from August 9 to August 19, 1983, and was off sick for the full day on August 16 and August 17, 1983. From August 16 to August 19, 1983, one of the trained relief employees (not the grievant) was temporarily assigned Head Cashier duties. This employee stated that she was approached by the Service Representative with a request to cash and hold a check for \$700.00. The Service Representative stated that the transaction had already been approved by the regular Head Cashier. The temporary Head Cashier stated that she checked with the regular Head Cashier and was told that it was O.K. to cash the check. Further, the temporary Head Cashier stated that the regular Head Cashier reviewed the procedure for balancing the petty cash while holding the employee-issued personal check. Following this discussion, the temporary Head Cashier cashed the check and placed it with the petty cash. This employee

April 5, 1984

continued working as temporary Head Cashier until August 19, 1983 during which time the \$700.00 check remained in the petty cash drawer. This seemed to show that the \$700.00 check was actually cashed on either August 18 or August 19, 1983, dates on which the regular Head Cashier was at work but temporarily assigned other duties.

During the week of August 22 through August 26, 1983, the regular Head Cashier returned to her regular assignment. Throughout this week, a second employee who was trained to provide Head Cashier relief (not the grievant) worked with the regular Head Cashier. Also throughout this time, the \$700.00 check remained with the petty cash. While both employees worked together during this week, the record states that the regular Head Cashier was responsible for the conduct of regular business.

On Friday, August 26, 1983, the regular Head Cashier issued a personal check in the amount of \$200.00, placed it with the petty cash along with the \$700.00 check, and removed \$200.00 in cash. This check was not approved by a supervisor. The check was dated August 31, 1983, five days later than it was actually cashed. The regular Head Cashier began scheduled vacation on August 29, 1983. On Monday, August 29, 1983, the grievant assumed the duties of Head Cashier. On that date, with the petty cash receipts, the \$700.00 check and the \$200.00 check were present. Neither check was forwarded to the bank on August 29, 1983, when the daily receipts for August 26, 1983 were sent. Again on August 30, 1983, neither check was banked along with the regular receipts for August 29, 1983.

The Company discharged the grievant for knowingly violating Employee Conduct Standard Practice 735.6-1 by: 1) allowing personal checks from other employees to be held while allowing the employees to use Company funds. This action was determined to be deceitful agreement to divert Company funds. 2) The employee also admitted to taking Company funds and substituting her own personal check on at least two prior occasions with the intention of not allowing the check to be deposited. This action constituted diversion of Company funds for personal use. 3) The Division also believed that the employee attempted to cover up the holding of checks. When the supervisor discovered checks were being held, the grievant contacted those employees. This action was believed to be collusion. 4) Then when the grievant used her personal funds to "cover" one of the checks, this was determined to be an unethical business practice and to violate the fundamental honesty and basic principle of trustworthiness that employees are expected to practice.

The Committee also discussed the discipline meted out to the other involved employees. The two cashiers who, on prior occasions, knowingly held employees' personal checks both received disciplinary letters for their actions inasmuch as they also were instructed by the Head Cashier that this practice was acceptable. The Service Representative, for allowing his personal check to be cashed and for asking that it not be deposited, was guilty of diversion of Company funds for personal use, an unethical business practice and for violating fundamental honesty and the basic principle of trustworthiness. For those violations, he received a five-day disciplinary layoff and disciplinary

April 5, 1984

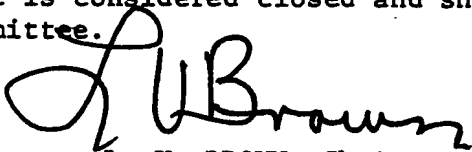
letter. The Head Cashier for also holding employees' checks and having her own check held as well as training the grievant and the other two cashiers in this improper practice, was discharged. The Review Committee has sustained her termination.

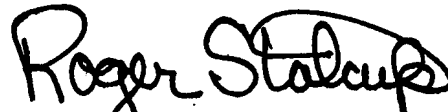
After reviewing and discussing the above, the Committee determined that the grievant, in this case, appeared to have been treated more severely than the other two employees who had received letters and the employee who had asked his check be held. The Committee also determined that the grievant had been informed by the Head Cashier that this was an acceptable practice. The Head Cashier had also trained the grievant how to balance while holding employees' personal checks.

Temp representing Head Cashier

Decision

On the basis of the above, the Committee agreed to reinstate the employee with a five-day disciplinary layoff and disciplinary letter. This case is considered closed and should be so noted by the Local Investigating Committee.


L. V. BROWN, Chairman
Review Committee


R. W. STALCUP, Secretary
Review Committee

RS:kem