



REVIEW COMMITTEE

IBEW



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**CASE CLOSED
FILED & LOGGED**

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

MARGARET A. SHORT, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

- De Anza Division Grievance No. 96-03
- De Anza Division Grievance No. 96-08
- De Anza Division Grievance No. 96-09
- De-Anza Division Grievance No. 96-10
- De Anza Division Grievance No. 96-11
- De Anza Division Grievance No. 96-12
- Pre-Review Case No. 2072**

Yvonne Wong
Company Member
Local Investigating Committee

Ms. Kathy Maas
Union Member
Local Investigating Committee

Subject of the Grievances:

This file is comprised of seven separate cases involving two Decision Making Leaves for two Linemen; and five discharges of two Electric Crew Foremen and three Linemen, related to the unauthorized removal and sale of copper wire from the Los Altos School District Offices.

Facts of the Case:

The grievants were terminated effective February 7, 1996 for activities which occurred while working overtime on Saturday, November 18, 1995 and Sunday November 19, 1995; and for misuse of Company time and equipment on Monday, November 20, 1995. A detailed summary of the involvement of each grievant is contained in the Security Department report dated January 30, 1996.

One DML was issued to a Lineman who normally worked with one of the discharged Linemen and who routinely completed timecards for himself and the discharged Lineman. On Monday, November 20, the timecard was completed for the discharged Lineman showing him working a full day when it was known that personal business was being conducted for a portion of the morning.

The second DML was issued to a Lineman who on Monday, November 20, 1995 was assigned to work with the crew who had performed the weekend overtime. This was not the

crew this Lineman normally worked with. On that Monday, he was directed to take a Line truck to one of the employee's home. On the way, he stopped at a 7-11 store. Once at the employee's home, one of the discharged Electric Crew Foremen operated the boom to remove copper and load it on a rental truck. The Lineman, who received the DML then returned the Line truck to the yard.

Discussion:

The Pre-Review Committee conducted a thorough review of the Security Report, the Joint Statement of Facts, and handwritten notes provided to the Security Department from one of the grievants during the investigation leading to the terminations. It was noted that each of the discharged grievants received a portion of the proceeds from the sale of the copper that was taken. The amount received by each varied dependent on their level of involvement. One grievant (Case No. DEA-96-07) claims to have returned the money. The Pre-Review Committee took additional testimony from this grievant.

The Pre-Review Committee held lengthy discussions of these cases and determined that the evidence for four of the discharges is clear and convincing. With regard to the DML's, the Pre-Review Committee agreed to mitigate the discipline based on the evidence that these employees were not a party to the weekend activities and they did not benefit from the sale of the copper, and it is unclear to what extent they knew about the weekend's activities before their involvement on Monday. Further, both employees had no active discipline and Written Reminders have been issued in the past for similar misconduct.

DECISION:

Based on the information and evidence contained in the file the Pre-Review Committee agreed to the discharge of four of the grievants and to reduce the DML's to Written Reminders. The discharge of the grievant in case DEA-94-07 is referred to the Review Committee.

Margaret A. Short
Margaret A. Short, Chairman
Review Committee

12/23/96

Date

Roger Stalcup
Roger M. Stalcup, Secretary
Review Committee

12/23/96

Date