



REVIEW COMMITTEE

IBEW



PACIFIC GAS AND ELECTRIC COMPANY
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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

San Jose Division Grievance No. SJO-96-46
Fact Finding File No. 6489-97-020
Pre-Review Committee No. 2092

PAMELA COEN
Company Member
Local Investigating Committee

KATHY MAAS
Union Member
Local Investigating Committee

Subject of the Grievance

This case concerns the discharge of a Garageman for violation of Standard Practice 735.6-1, specifically, misuse of company time and equipment and falsification of records.

Facts of the Case

Company hired a private investigator to conduct video surveillance at the Edenvale Garage. The surveillance was conducted from July 31, 1996 through August 7, 1996 and again from September 30, 1996 through October 4, 1996.

On October 1, 1996 the grievant went to Kragen Auto store and purchased 42 quarts of Valvoline Racing Oil on his procurement card, at a cost of \$44.70. He admitted putting four quarts of the oil in his personal vehicle while on company time. He also admitted to changing the oil in his vehicle at the company garage during working hours on other occasions and once changed the oil of a relative's vehicle on company property during work hours.

On October 4, 1996 the grievant was observed leaving the garage at 5:57 p.m. and returning at 6:38 p.m. He removed a set of motorcycle handlebars from the bed of the company vehicle he used and placed them in his personal vehicle. He indicated on his timecard that he had also gone to a vendor to pick up parts for the company and had completed a road service during this 41 minute period. The LIC Report states that the grievant said that in addition to completing a road call, he picked up both personal automotive and Company automotive parts from vendors. The Report states the grievant indicated he picked up the personal parts in the Montague area of north San Jose. Given the distance from the garage to the location of where he obtained the motorcycle handlebars, it would not be possible to also pick up parts from another vendor and to complete a road call. Much later, the grievant claimed the personal parts were picked up from a vendor on Monterey Hwy. in south San

Jose. He does not, however, deny picking up personal items during work hours in a Company vehicle.

On August 5, 1996 the grievant's wife, another female, and a child were observed visited with him at the garage for approximately 40 minutes.

There were six occasions when he left work approximately 30 minutes early and three occasions when he used a company vehicle to pick up his lunch and a newspaper, although it appears all the employees in this garage used a company pickup truck to go out of the yard and secure a lunch.

Discussion

The Union opined that the environment in this garage was such that the conducting of personal business on company time was tolerated and this employee was just following the role model of those senior to him. Union pointed out that during his 5 1/2 years service, the grievant had not worked for PG&E at any location other than the Edenvale Garage.

Company agreed that others also engaged in similar behavior but that did not make it appropriate and those employees were also disciplined or discharged.

DECISION

The Pre-Review Committee noted that the grievant was an employee of relatively short Service. The Committee also reviewed Review Committee Files No. 1451 & 1452, noting that discharge for misappropriation of Company property has been upheld even where the length of service was long and the value of the misappropriated property was small. Based upon the facts present in this case the Pre-Review Committee is in agreement that the discharge was for just and sufficient cause. This case is closed without adjustment.

Margaret Short

Margaret A. Short, Chairman
Review Committee

8/12/97

Date

Roger Stalcup

Roger W. Stalcup, Secretary
Review Committee

8/12/97

Date