



## 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

**Geysers Power Plant Grievance No. GPP-97-01  
Fact Finding Committee No. 6493-97-24  
Pre-Review Committee No. 2101**

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

Lorna Cruz  
Company Member  
Local Investigating Committee

Bob Choate  
Union Member  
Local Investigating Committee

### Subject of the Grievance

This case concerns the discharge of a Geysers Power Plant Machinist with 20 years service for taking Company property without authorization.

### Facts of Case

The grievant was terminated on January 31, 1997 for taking Company property without authorization. More specifically, the grievant took four barricade lanterns and three breathing respirators with a replacement value of \$314.20. He had found the items in a pile of material which he described as a junk pile or a throw-away pile. A supervisor testified that the pile contained items that were [was] to be redistributed from a General Construction job to the Geysers units.

The grievant claimed that the material was non-salvageable and that he thought the pile of material was to be discarded. He also stated that someone said it was O.K. to take the stuff because it would be thrown away, but he could not recall who told him this. At the same time, however, the grievant acknowledged that he was aware that removing any material (salvageable or non-salvageable) from the property required management permission and a materials pass. In the past, the grievant had properly secured a materials pass to remove property. In this instance, the grievant stated he doesn't know why he did not ask a management employee if he could take the items.

During the Fact Finding step of the grievance procedure, the Union raised the issue of consistent treatment of employees at the Geysers for removal of Company property without authorization. The Union presented information regarding two situations involving three employees where discipline short of discharge had been issued.

Discussion


The Committee noted that the Local Investigating Committee (LIC) concluded that the grievant took salvageable material off the Geysers' property without authorization, based upon the grievant's statement wherein he admitted taking the property and not getting a "gate pass". The facts of the case support this conclusion. Setting aside the consistency issue for a moment, given the value of the material involved and the parameters set forth in Review Committee File Nos. 1451 & 1452, the discharge is for just and sufficient cause.

In regard to the consistency issue, the Pre-Review Committee examined the facts surrounding the other incidents and found significant differences from the present case. These differences account for why these employees were not discharged and therefor do not constitute inconsistent treatment.

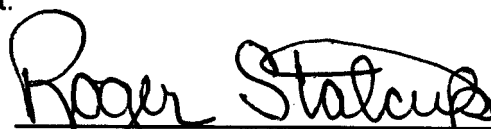
In one situation, an employee removed a part off a vehicle a horn ring off a Company vehicle, with the stated purpose of making a template of it for personal use. Although he was disciplined issued a DML for this, the Company did not discharge because the part was not removed from Company property and the evidence did not sufficiently support an act of theft (i.e. the part was returned later in the same day during which it was reported missing, as opposed to being found in his car trunk or at his home). In the second situation involving two employees allegedly misappropriating company property, the facts support that verbal permission was sought and arguably attained to remove the material. The grievants were disciplined one was issued a Written Reminder, the other an Oral Reminder for not following the proper material pass procedure, not for theft or misappropriation.

Decision

The Pre-Review Committee is in agreement that the discharge was for just and sufficient cause. This case is closed without adjustment.

  
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Margaret A. Short, Chairman  
Review Committee

8/12/97  
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Date

  
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Roger W. Stalcup, Secretary  
Review Committee

8/12/97  
\_\_\_\_\_  
Date