



REVIEW COMMITTEE



IBEW

PACIFIC GAS AND ELECTRIC COMPANY
2850 SHADELANDS DRIVE, SUITE 100
WALNUT CREEK, CALIFORNIA 94598
(510) 974-4282

RECEIVED MAY - 7 1998

**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
(510) 933-6060
R.W. STALCUP, SECRETARY

MARGARET A. SHORT, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

San Francisco Division Grievance No. SFO-97-37
Fact Finding Committee No. 6581-97-112
Pre-Review Committee Case No. 2140

JEANNINE CZEROTZKI
Company Member
Local Investigating Committee

HUNTER STERN
Union Member
Local Investigating Committee

The Pre-Review Committee discussed this case on April 28, 1998. After reviewing the file, the Pre-Review Committee agreed to return this case to the Local Investigating Committee for additional testimony and guidelines for possible resolution.

Margaret A. Short, Chairman
Review Committee

5/4/98
Date

Roger W. Stalcup, Secretary
Review Committee

5/5/98
Date

**Local Investigating Committee
Joint Statement of Facts**

RECEIVED SEP 11 1998

Grievance No.: SFO-97-37 Department: Electric OM&C
FF 6581 & PRC# 2140
Reconvened: July 23, 1998
Attendees: Hunter Stern, Union Business Representative
Jeff Smethurst, Shop Steward
Jeanine Czerotzki, Human Resources Advisor
Gene Hofacre, Distribution Superintendent
William Nowlin, Grievant

Exhibits:

Exhibit I Job Classification History
Exhibit II Positive Discipline Summary Log
Exhibit III Corporate Security Report
Exhibit IV Employee Conduct Summary
Exhibit V Pre-Review Committee No. 2101
Exhibit VI Review Committee Decision No.'s 1451 & 1452

Facts of the Case

1. Mr. Nowlin was questioned, in reference to the Corporate Security report, about the work performed at 265 Dorland Street, San Francisco in late 1996/early 1997.
2. Mr. Nowlin stated he came into contact with the owner of 265 Dorland after she had done some remodeling (cabinet work) in his home. He stated she had questions regarding installing new electric service and he offered to stop by and take a look. Mr. Nowlin then offered to assist the owner's father with the work when he realized he was elderly and not a trained electrician. Mr. Nowlin also stated he did this work outside of Company time and without the assistance of Company personnel or vehicles.
3. Mr. Nowlin stated he provided the owner with a list of necessary materials to complete the job, which he stated she purchased at Home Depot. Mr. Nowlin stated he provided the #8 neutral wire used to connect the service from the weatherhead to the meter from an un-named Lineman in the San Francisco service yard. Mr. Nowlin thought that this wire was scrap material and believed he could take the wire. Mr. Nowlin also stated he does not recall what he used the wire for. Mr. Nowlin refused to answer when asked whether it is ever appropriate to take Company property.
4. Gene Hofacre stated he inspected the service at 265 Dorland on or about August 28, 1997 and at least 15 feet of wire was used to connect the service. Mr. Hofacre further stated that 15 feet of wire would not be considered "scrap", nor is it ever appropriate to take Company property of any kind.

- 5. Mr. Nowlin stated he does not recall setting the meter, but may have installed the second weatherhead. He stated he was not paid for the work he performed. Mr. Nowlin also stated he was unaware if the owner had applied for a permit to have the additional service installed.
- 6. Mr. Hofacre stated that the Company did not issue a set tag for 265 Dorland, nor was a city inspection tag issued.

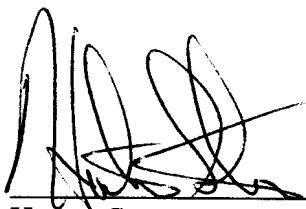
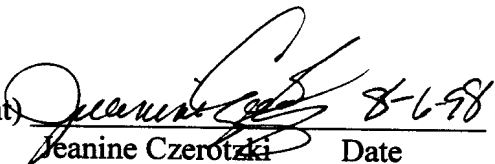
Statement and Settlement


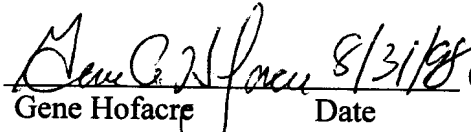
The Committee agrees that there is sufficient evidence that Mr. Nowlin took and misused Company property when he used Company materials to illegally install electric service at a residence, which resulted in the diversion of energy. The owner of the residence stated that Mr. Nowlin supplied the materials from the meter to the weatherhead and installed the service with the assistance of her father. Mr. Nowlin himself admits to taking Company property, although his recollection of how it was used is inconsistent with the facts. The Committee also notes that the grievant's testimony was often incongruous.

The Committee recognizes that the discovery of this information transpired after Mr. Nowlin was terminated for a safety violation, which the parties could not agree on whether just cause existed. However, this misconduct did occur while Mr. Nowlin was an employee of the Company and therefore should be considered when discerning his employment. Consistent with the Positive Discipline agreement, stealing Company property and performing work that results in the diversion of energy, are dischargeable offenses without mitigation and would have resulted in the grievant's discharge.

The Committee agrees to terminate Mr. Nowlin for theft and misuse of Company property as of 9/12/97, when it is believed the investigation would have been completed. Mr. Nowlin will receive back pay at straight time for the period between 8/1/97 and 9/12/97 at the wage rate he held at that time.

On this basis, and without prejudice, the case is closed.

	9/2/98	(concur/dissent)		8-6-98	(concur/dissent)
Hunter Stern	Date		Jeanine Czerotzki	Date	
For the Union			For the Company		

	4/5/98	(concur/dissent)		8/31/98	(concur/dissent)
Jeff Smethurst	Date		Gene Hofacre	Date	
For the Union			For the Company		