



REVIEW COMMITTEE



PACIFIC GAS AND ELECTRIC COMPANY
2850 SHADELANDS DRIVE, SUITE 100
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MARGARET A. SHORT, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

RECEIVED
DEC. 18, 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

San Francisco Division Grievance No. SFO-98-17
Fact Finding File No. 6737-98-112
Pre-Review Committee File No. 2188

MERI ISSEL
Company Member
Local Fact Finding Committee

HUNTER STERN
Union Member
Local Fact Finding Committee

Subject of the Grievance

This case concerns a DML issued to a Corrosion Mechanic for misuse of Company time on four separate dates.

Facts of the Case

On January 12, 1998 Corporate Security was notified by a San Francisco Gas Construction Supervisor that he was in receipt of a complaint filed with the Consumer Affairs Department about the grievant. The complaint alleged that the grievant carries a gun to work and may have it in his company vehicle, that he carried unauthorized passengers in his company vehicle, and that he took extended lunches.

Corporate Security placed the grievant under surveillance, observing him on January 18, 29, February 2, 10, and 18, 1998. At no time did they observe a gun or unauthorized passengers. A search of the company vehicle some time after February 20 did not result in the finding of a gun.

However, there were occasions when the grievant was not productive and did not perform work for extended periods. Further, he was observed to conduct personal business on Company time and taking extended coffee breaks.

The grievant has 29 years of service. At the time the DML was issued, he had an active Oral Reminder for violation of Safety Rule 309 and a subsequent coaching and counseling for damaging a customer's lawn with his company vehicle. Both the oral reminder and coaching and counseling were in the Work Performance Category.

Discussion

The Union opined that the Company sandbagged the employee and attempted to build a case for DML by continuing to watch him after observing inappropriate conduct, rather than confronting him about his actions immediately. The Union pointed out language from the Positive Discipline Guidelines:

“If an employee has a conduct, attendance or work performance problem, disciplinary action may be necessary to correct the situation. Positive Discipline is designed to provide the opportunity to correct deficient performance and build commitment (not merely compliance) to expected performance in a manner that is fair and equitable to all employees. Each step is a reminder of expected performance, stressing decision making and individual responsibility, not punishment.”

Company opined that the employee was observed for several days to determine whether the original complaint had merit. Just because there was no observation of a gun or unauthorized passengers on the first observed day, did not mean that it would not happen and therefore there was the need to observe for a longer period of time. Given the serious nature of the allegations, Company needed to be thorough in its investigation.

Decision

The Pre-Review Committee agrees that many employees have been disciplined for misuse of Company time for activities similar to those engaged in by the grievant. The Pre-Review Committee also agrees that this type of behavior generally results in a Written Reminder and that a repeat of this type of behavior may result in the employee’s discharge.

The Pre-Review Committee agrees to reduce the DML to a Written Reminder. This case is considered closed based on the foregoing and the adjustment contained herein.

Margaret Short
Margaret A. Short, Chairman

12/18/98
Date

Roger Stalcup
Roger W. Stalcup, Secretary

12/18/98
Date