



REVIEW COMMITTEE

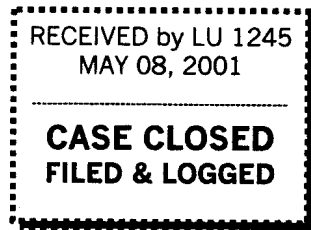
IBEW



PACIFIC GAS AND ELECTRIC COMPANY
2850 SHADELANDS DRIVE, SUITE 100
WALNUT CREEK, CALIFORNIA 94598
(925) 974-4282

MARGARET A. SHORT, CHAIRMAN

DECISION
LETTER DECISION
PRE-REVIEW REFERRAL



INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W.
P.O. BOX 4790
WALNUT CREEK, CALIFORNIA 94596
(925) 933-6060
SALIM A. TAMIMI, SECRETARY

Pre-Review Committee No. 12197

Karen Savelich
Company Member
Local Investigating Committee

Lula Washington
Union Member
Local Investigating Committee

Subject of the Grievance

This case concerns the discharge of a Service Representative from the East Oakland office for writing personal checks to the Company for which there were insufficient funds in her account.

Facts of the Case

Between November 1999 and January 2000 the grievant cashed several checks with the Office Cashier. On some occasions she asked the Office Cashier to hold her check for a day or two and she would clear them with cash. In January 2000, the grievant went off work on extended illness and remained off until her discharge on November 6, 2000. At the time the grievant went off work, she had two outstanding personal checks that the Office Cashier was holding. The first check dated May 12, 1999 was for \$530; the second check dated June 18, 1999 was for \$40. The grievant received cash from Company funds.

On October 6, 2000 the grievant was interviewed at her home by a Security Rep. At that time, she acknowledged the outstanding checks and gave the Security Rep. a check for \$570. That check was later deposited in a miscellaneous fund/account at the 1919 Webster Street office in Oakland.

By letter dated November 24, 1997, Company discontinued the practice of cashing employee personal checks citing as reasons the unacceptable number of checks being returned due to insufficient funds and because of the availability of automatic teller machines (ATM's).

The grievant indicated she was not aware of this policy change, however, she also indicated she would only go to the Office Cashier and not to any other counter cashier when cashing personal checks. The Office Cashier was also discharged for the checks cashed for the grievant and other acts of misconduct.

At the time of discharge, the grievant had almost 23 years of service and no active discipline.

Discussion

Union cited Pre-Review Committee Decision 918 in which a Service Representative in Bakersfield was given a five day disciplinary layoff and letter for cashing a personal check and asking to have it held instead of deposited. This discipline was not the subject of the grievance but is referenced in the Discussion of the case. Union alleged that Company was being inconsistent and treating the grievant in this case more harshly by discharging her.

Further, Union argued that the grievant did not know the cashing of personal checks was prohibited and that the Office Cashier should be held accountable for cashing the checks.

Company responded that receiving cash, asking to have the checks held and not deposited is theft. Review Committee Decision 1451 and 1452, which is cited in the Positive Discipline Agreement, states that discharge without giving consideration to any mitigating factors will result from theft of cash or diversion of energy. Company noted that the grievant did not make any effort to clear her checks for the seven months she worked between cashing them and the time she went off sick or for the ten months that she was off. These checks totaling \$570 were outstanding for approximately 18 months.

Decision

The PRC is in agreement that in this case the amount of money and the length of time involved constitute just and sufficient cause for the discharge. This case is closed without adjustment.

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

5/8/01
Date

Sam Tamimi
Sam Tamimi, Secretary
Review Committee

May-8-2001
Date