



PACIFIC GAS AND ELECTRIC COMPANY  
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MARGARET A. SHORT, CHAIRMAN  
DECISION  
LETTER DECISION  
PRE-REVIEW REFERRAL

**REVIEW COMMITTEE**

RECEIVED by LU 1245  
September 27, 2004

**CASE CLOSED  
FILED & LOGGED**

7.1; 112.8: A Bakersfield ECF who was discharged for abuse of sick leave and violation of the Outside Employment Policy elected to retire; which, on this basis, case closed without adjustment and without prejudice to either party.

**IBEW**



INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS, AFL-CIO  
LOCAL UNION 1245, I.B.E.W.  
P.O. BOX 2547  
VACAVILLE, CALIFORNIA 95696  
(707) 452-2700  
SALIM A. TAMIMI, SECRETARY

**Pre-Review Committee No. 15142  
OM&C – Electric T&D - Bakersfield**

Jeff Neeley  
Company Member  
Local Investigating Committee

Ed Dwyer  
Union Member  
Local Investigating Committee

Subject of the Grievance

This case concerns the discharge of an Electric Crew Foreman for abuse of sick leave and violation of the Outside Employment Policy.

Facts of the Case

The grievant was employed May 13, 1983 and discharged May 18, 2004. Grievant had no active discipline at the time of discharge.

On April 12, 2004, the grievant informed his supervisor that he was going to retire effective June 1, 2004. He asked the supervisor to place him on sick leave from April 13 through the 26<sup>th</sup> and then vacation from April 27 through May 31, 2004. The supervisor signed the grievant's timecards authorizing the time requested.

On April 19, the supervisor was informed by a Shop Steward that the grievant was working for International Line Builders, a contractor used by PG&E. The grievant acknowledged working for ILB all day on April 19 and half-day on April 20. He asked the supervisor to "freeze" his time or do something with his time so he could continue working for ILB that he didn't want to lose this job. The supervisor declined the grievant's request.

The Outside Employment Policy can be found in the 2000 Cover Letter summary to General Negotiations. It states:

"The Company and Union have agreed that employees must comply with the following Outside Employment Policy:

As the energy business becomes more complex and competitive, employees must take special care when engaging in outside employment activities. Employees are permitted to have outside activities that compete with the products and services offered by the Company's lines of business. The types of activities to avoid include the planning, design, installation or maintenance of any commodity, equipment or service.

In addition, even if employees are not engaged in the activities described above, precautions must be taken to avoid conflict of interest."

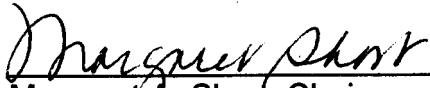
Discussion

Union argued that the abuse of sick leave constituted one bite of the apple as it was consecutive days citing Arbitration Decision #84. As specified in the arbitration decision and Section 112.8 of the Agreement, Company may decline to pay sick leave for a first offense but may not take disciplinary action. Further, Union does not believe ILB is a competitor to PG&E and therefore would not fall under the Outside Employment Policy. Finally, while Union agrees grievant's actions were inappropriate, Union believes that discharge is too severe for a long service employee with no active discipline for these offenses.

Company expressed outrage that an employee would believe it appropriate to work for another employer while on paid sick leave doing the same type of work that he allegedly could not perform for PG&E. Whether or not ILB is a competitor as contemplated by the Outside Employment Policy doesn't need to be resolved by this committee because it is well understood that employees are not to have other jobs that conflict with regular working hours.

Decision

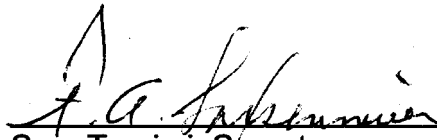
Notwithstanding the merits of this case, the PRC agrees to close this case without adjustment and without prejudice to the position of either party on the basis that the grievant has elected to retire.



Margaret A. Short, Chairman  
Review Committee

9/20/04

Date



Sam Tamimi, Secretary  
Review Committee

9-22-04

Date