

24.1: *Just cause and sufficient cause for the termination of a Stockton Sr. Rep. for imposing a security deposit on a customer as a result of a personal feud.*



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MARGARET A. SHORT, CHAIRMAN
DECISION
LETTER DECISION
PRE-REVIEW REFERRAL

REVIEW COMMITTEE

RECEIVED by LU 1245
August 8, 2005

CASE CLOSED
FILED & LOGGED



INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W.
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SALIM A. TAMIMI, SECRETARY

Pre-Review Committee No. 15604 Customer Services – Credit and Records Center – Stockton

Travis Browne
Company Member
Local Investigating Committee

Arlene Edwards
Union Member
Local Investigating Committee

Subject of the Grievance

This case concerns the discharge of a Service Representative for imposing a security deposit on a customer as a result of a personal feud.

Facts of the Case

On December 21, 2004 the Internal Auditing Department issued a report summarizing their investigation into an allegation made to the Compliance and Ethics Helpline that the grievant had wrongly modified a customer's utility bill in April 2004 to make it reflect that the customer owed \$660. In the presence of a Shop Steward, the grievant was questioned. She denied any knowledge of the transaction.

A few months later, a second call was received. This time the caller left her name and account number. The caller asserted that the grievant charged the deposit due to personal animosity; the two had been friends until about December 2003. The caller further alleged the grievant also might have improperly charged a security deposit on another customer's account. Internal Auditing found the customer's account was properly charged the deposit, but the grievant inappropriately removed the deposit in January 2003.

During the second Internal Auditing meeting with the grievant, she admitted instructing a co-worker to impose the \$660 deposit on her former friend's residential account. Records indicate the grievant tracked the account by viewing it daily for three months prior to the imposition of the security deposit. She did stop viewing the account after the first IA interview. The grievant admitted she wanted to punish the caller for a feud they were having at the time.

During this period of time the grievant had no business reason for accessing the customer account. Additionally, the grievant was working in closed accounts; deposits are charged only in and on open accounts.

At the LIC, it was determined that the normal process for imposing a security deposit on a residential account starts with a report generated from CorDaptix listing customers whose credit score falls below the allowable credit rating, at that time it was 856 or less. The report is forwarded to the Specialty group for evaluation and determination of the necessity of requiring a deposit. The grievant did not work in this Section and the customer's name had not appeared on the report.

At the LIC, the grievant denied admitting any wrongdoing or trying to conceal her involvement when interviewed by IA. Union disputed the entire investigation and said the verbatim remarks attributed to the grievant were fabricated by the investigators.

Further, the grievant indicated the reason she did not respond to questions in the first interview was that no customer name, account number, or deposit amount was mentioned. The Shop Steward indicated that at the first interview the Auditor did ask specifically about a \$660 transaction of a modified bill.

The grievant had no active discipline and approximately 12 years of service at the time of discharge. The other employee involved in this incident received a Written Reminder. He has 31 years of service and had no active discipline at the time.

Discussion

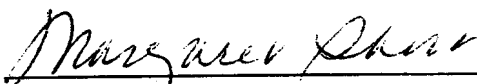
The PRC discussed the discrepancies between the IA report and the LIC statements concluding that the grievant's credibility was lacking. Everything in this case flowed from the grievant's actions, not from any measures the Company had in place. It began with a third party call to the Hot Line, a call that never would have occurred but for the grievant's actions. For the grievant to say the IA report was fabricated is self-serving.

Further, the Shop Steward indicated that at the first investigation, IA was specific as to the amount in question and should have been enough to trigger the grievant's memory of what account was at issue.

The PRC also discussed the difference in discipline between the grievant and the other Service Representative who charged the deposit. The other employee has more than twice the service as the grievant and the level of discipline was mitigated by the fact that the grievant was the instigator but for the grievant asking him to do so, he would not have taken this action on his own.

Decision

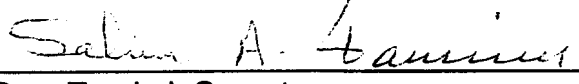
The PRC agrees that the discharge was for just and sufficient cause. This case is closed without adjustment.



Margaret A. Short, Chairman
Review Committee

8/5/05

Date



Sam Tamimi, Secretary
Review Committee

8-5-05

Date