

24.1: The discharge of a Sacramento Call Center Service Rep. for submitting falsified documents to support funeral leave taken was for just and sufficient cause.



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

REVIEW COMMITTEE

RECEIVED by LU 1245
February 16, 2006

**CASE CLOSED
FILED & LOGGED**

IBEW



INTERNATIONAL BROTHERHOOD OF
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SALIM A. TAMIMI, SECRETARY

Pre-Review Committee No. 16199 Call Center Operations - Sacramento

Francillia Foublasse
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 submitting falsified documents to support funeral leave taken.

Facts of the Case

On Monday, July 11, 2005 grievant received a call at work from her son that her uncle had passed. Grievant requested Tuesday and Wednesday off on funeral leave from the temporary Team Lead. She also sent an email at 4:20 that day to the regular Team Lead giving some details regarding the uncle's passing and also requesting Thursday July 14, 2005 off for a school function.

On Friday, July 15 the grievant called to request FMLA leave to be paid as an additional funeral day. When this was denied, she elected to take the day as unpaid sick leave under FMLA.

Upon return to work, the grievant provided a eulogy pamphlet as proof of funeral attendance. The supervisor questioned the validity of the pamphlet because of the grievant's excessive absenteeism. He determined that the funeral home existed, but that no service for the uncle had been held.

At that point Corporate Security was called to investigate. Their report was issued on August 31, 2005. The grievant was discharged effective October 13, 2005. The delay resulted from the grievant's being on leave.

Discussion

A review of the file indicates the grievant made several significant conflicting statements to her supervisors, Corporate Security, and the Local Investigating Committee. Notes from the Shop Steward included in the investigatory interview disproved allegations that the Corporate Security report was inaccurate.

The grievant does acknowledge that there was no funeral service, that she and her family gathered in various homes. PRC 620 establishes that such activities are not covered by Section 6.9, funeral leave. PRC 312 upholds the discharge of an employee for abusing funeral leave and fabricating about it.

The grievant's hire date was January 17, 2002. At the time of this incident, she had the following active discipline:

June 3, 2005	Coach and Counsel	Work Performance
June 3, 2005	Oral Reminder	Attendance
July 20, 2005	Coach and Counsel	Conduct
July 20, 2005	Oral Reminder	Work Performance

Decision

The Pre-Review Committee is in agreement that based on the submission of falsified documentation to support time off work and the lack of fundamental honesty demonstrated by the grievant, the discharge was for just and sufficient cause.

This case is closed without adjustment.

Margaret Short

Margaret A. Short, Chairman
Review Committee

2/16/06

Date

Sam A. Tamimi

Sam Tamimi, Secretary
Review Committee

2-16-06

Date