



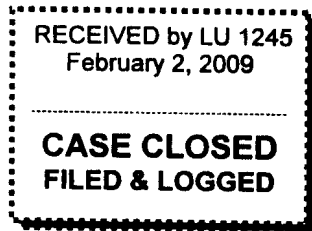
REVIEW COMMITTEE

IBEW



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

JOHN A. MOFFAT, CHAIRMAN
DECISION
LETTER DECISION
PRE-REVIEW REFERRAL



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

Pre-Review Committee No. 18401 Gas Supply – Mc Donald Island

Subject of the Grievance

Discharge of a Mechanic Welder for the theft of another employee's recognition gift card.

Facts of the Case

The California Goaled program has been in place for several years, it is Gas Transmission Maintenance and Construction's attempt to put parameters around what is currently the \$200 per quarter maximum compensation bargaining unit members can receive. The parameters are changed year to year and they are shared at the GTM&C Labor/Management meetings. The compensation is in the form of American Express Gift Cards, which are non-monetary and can not be used for cash.

The card in this case was used at three locations in Stockton: 12/5 at Mervyns for \$165.20; 12/5 at Sees for \$27.17; and 12/7 at Redbox Video for \$1.08.

Supervisor stated he and another supervisor went to Mervyn's and watched a surveillance video matching the date and time the American Express card was used, and identified grievant as the person using the card.

Supervisor stated there's an American Express gift card assigned to each employee. The card is in an envelope, is assigned to an employee, and the employee name is put on the envelope.

Grievant stated there was stuff in his mailbox: a large survey envelope and a white PG&E envelope with a card in it. The grievant said his name was on the envelope and said that's the card (American Express) he used the next day. The grievant said he thinks his name was on the envelope written in blue ink. It was a PG&E white envelope, not the envelope a card typically comes in. He stated that's the only time he got a card in his box. He said that the Maintenance Assistant before would make the employees sign for the cards, there was a sheet with a serial number next to it. He said since he's

been on disability, he heard they were just starting to hand them out and he didn't have to sign for them.

Grievant stated there was a \$200 card in the envelope in his mailbox. He received two \$150 cards in the U.S. Mail after the first of the year.

The superintendent stated the maximum of the card has changed over time. During this time, the maximum for the supervisor's employees was \$150 plus \$50 discretionary. The \$50 could be included in the gift card or some other non-monetary means. This group's amount of money was the same, but the measures were different, because the work is different.

The supervisor stated there were items missed, so including the \$50 discretionary, the maximum was \$150, which is what his employee's got.

Supervisor stated that on January 8 2008 he mailed the grievant two cards: \$ 150 for the 2nd quarter of 2007 and \$150 for the 3rd quarter of 2007.

The employee who card was stolen stated his agreement with another employee was to bring him his paychecks, which was okay with Payroll. He said he gets a check, he doesn't have direct deposit. James said nothing was mentioned about the California Goaled card. He said the process has always been that the clerk hands him the card, he verifies the number on the roster and signs for it, that's how they did it and it's still being done like that. He said the last card he got, he had to sign for in front of the supervisor. He said he didn't know the card was going to be put in there (his box). He said when he got his pay stub he saw the \$200 and he knew he didn't get it. He said he also checked his W-2. James said the first thing he did was call the payroll clerk and she said she put it in his mailbox. James said then he called the employee who brings him his check, who said he never saw it. He said his third call was to the supervisor, telling him that he'd never seen the card; the payroll clerk told him it was in his box, and he didn't have it. He said he was told that the supervisor called Corporate Security and they contacted him a few weeks later and he basically told them what he just stated.

Discussion

The Union argued that the company could not prove that the grievant took another employee's card from the mail and that there is no proof that the card was in the envelope. The union further argued that anyone could have placed the card into the grievant's mailbox. The grievant was a friend of the employee whose card was taken.

The Company argued that the discharge was for just cause. The grievant testified that he knew something was different about the card. The company maintained that the card was in an envelope and clearly labeled for another employee. The grievant took the envelope with someone else name on it and realized a \$200 gain from using the card. Theft in this case warrants discharge.

The parties agree that there was a process in place; that the grievant knew something wasn't right and proceeded to use a card that was not his for personal gain.

Decision

The Committee agreed the discharge was for just cause and the case is closed without adjustment.



John A. Moffat, Chairman
Review Committee

1/29/09
Date



Bob Choate, Secretary
Review Committee

1/29/09
Date