



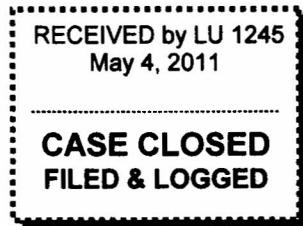
REVIEW COMMITTEE



PACIFIC GAS AND ELECTRIC COMPANY
LABOR RELATIONS DEPARTMENT
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INTERNATIONAL BROTHERHOOD OF
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LOCAL UNION 1245, I.B.E.W.
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(707) 452-2700

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



BOB CHOATE, SECRETARY

Pre-Review Committee No. 19776 Energy Delivery – GC Gas – San Francisco

Michelle Roberts
Company Member
Local Investigating Committee

Landis Martilla
Union Member
Local Investigating Committee

Subject of the Grievance

Discharge of a short service employee for restoring service to his residence after being shut off for non payment.

Facts of the Case

The Grievant is a Gas Construction Fieldperson with a hire date of December 8, 2003. The grievant was terminated on November 19, 2009. The termination was for violation of USP 1, restoration of energy to his home on three occasions after power was turned off for non payment.

In April 2009 the grievant's power was turned off for failure to pay his bill.

On August 21, 2009 service was again turned off for non-payment.

On September 30, 2009, the grievant's service was "booted" by a Revenue Assurance Representative. The representative placed a yellow seal and a "Hard Lock" and took the read of the meter. On October 5, the same representative discovered the yellow seal was removed and was replaced with a blue seal. The meter indicated that the boots were removed and the service was in use.

The grievant admitted to the Security representative that he tampered with his meter to restore service. He stated that the Company delayed billed him making it impossible to pay his bill. The grievant admitted in the LIC report that he was unaware that tampering was against the law. He admitted that it was wrong but did not think he would be fired for his actions.

Discussion

The Union argued that the grievant fully intended to pay his bill. They further argued that the grievant did restore his service but in this case it is not energy diversion.

Company argued that the grievant tampered with his meter which is a clear violation of USP 1 and is as serious as energy diversions, stealing energy or curbing, all of which result in termination for a one time occurrence. In this case the grievant tampered with his meter on at least one occasion when he was unable to pay his bill. There are a number of cases where employees were terminated for meter tampering/energy diversion, PRC 1729, PRC 1106, Arb. 158, Arb 212 and Arb 88.

Decision

Consistent with other who have been disciplined for the same or similar infractions of USP 1, the parties agree that the discharge was for just cause. This case is closed without adjustment.



John A. Moffat, Chairman
Review Committee

4/22/11

Date



Bob Choate, Secretary
Review Committee

4/22/11

Date