



# REVIEW COMMITTEE

**IBEW**



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INTERNATIONAL BROTHERHOOD OF  
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LOCAL UNION 1245, I.B.E.W.  
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RECEIVED by LU 1245  
May 22, 2012  
  
**CASE CLOSED  
FILED & LOGGED**

- DOUG VEADER, CHAIRMAN  
 DECISION  
 LETTER DECISION  
 PRE-REVIEW REFERRAL

F.E. (ED) DWYER Jr., SECRETARY

## Pre-Review Committee Number 21165 Electric Operations – Electric T&D – San Luis Obispo

Melanie Curry  
Company Member  
Local Investigating Committee

Mark Taylor  
Union Member  
Local Investigating Committee

### Subject of the Grievance

This case concerns the discharge of a Lineman for accessing pornographic material on a Company computer.

### Facts of the Case

The grievant is a Lineman with 14 years of service. At the time of the incident he had no active Positive Discipline.

The Information Technology Department was performing maintenance on the grievant's assigned laptop computer when it discovered that inappropriate materials had been accessed. An investigation determined that a number of adult websites had been visited and pornographic images were found on the computer. During the investigation, the grievant acknowledged that he had visited sites containing adult images, was aware of the Company policy prohibiting such viewing, and that he had seen the web site warnings before entering.

### Discussion

The Company argued that it has clearly communicated to employees that accessing pornographic material will result in termination. The grievant was made aware of the policy and the associated penalty. As he admits, he knew what he did was against the policy and choose to ignore the rules. The grievant was using a Company computer to search escort service websites and store pornographic images.


The Union argued that it does not agree with the Company that accessing pornography results in automatic termination. Ever since the Company communicated a zero tolerance policy, the Union has continued to maintain that each situation must be considered on its own merits and "just cause" principles must be used. This decision is based on the individual facts of this case.

### Decision

The Committee agrees the discharge was for just cause and closes this case without adjustment.

  
\_\_\_\_\_  
Doug Veader, Chairman  
Review Committee

5/22/12  
Date

  
\_\_\_\_\_  
F.E. (Ed) Dwyer Jr., Secretary  
Review Committee

5/22/2012  
Date