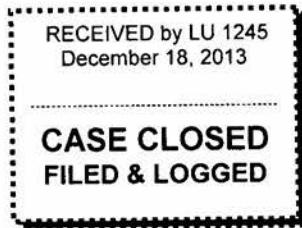




## REVIEW COMMITTEE



PACIFIC GAS AND ELECTRIC COMPANY  
LABOR RELATIONS DEPARTMENT  
MAIL CODE N2Z  
P.O. BOX 770000  
SAN FRANCISCO, CA 94177  
(650) 598-7567



INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS, AFL-CIO  
LOCAL UNION 1245, I.B.E.W.  
P.O. BOX 2547  
VACAVILLE, CALIFORNIA 94696  
(707) 452-2700

DOUG VEADER, CHAIRMAN  
 DECISION  
 LETTER DECISION  
 PRE-REVIEW REFERRAL

F.E. (ED) DWYER Jr, SECRETARY

### Pre-Review Committee Number 22125 Electric Operations – Electric Transmission – Eureka

Deanna Helm  
Company Member  
Local Investigating Committee

Sonny Hollesen  
Union Member  
Local Investigating Committee

#### Subject of the Grievance

This case concerns the discharge of Lineman for failing to report back to work for jury duty as instructed, falsifying his time records, and failing to cooperate in an investigation.

#### Facts of the Case

The grievant is a Lineman who had 1 ½ years of service and no active disciplinary action at the time of his discharge. The grievant informed his supervisor that he had jury duty. The supervisor instructed the grievant to return to work after attending ½ day jury duty (the county has ½ day jury duty assignments).

On the first day of jury duty, the grievant returned to work in the afternoon and was assigned to stock materials for the crews. Prior to leaving on vacation, the supervisor reminded the grievant to report back to work after his second day of jury duty to stock material. Additionally, the Electric Crew Foreman, who was filling in for the supervisor, instructed the grievant to report back to the yard when released and to call him on his cell phone. On the second day of jury duty, the grievant did not return to work and did not call the Electric Crew Foreman. He submitted his time card indicating a full day of jury duty.

The supervisor confirmed that jurors were dismissed at 9:49 a.m. on the day that the grievant did not return. When asked why he did not return, the grievant indicated he ran into a co-worker at jury duty, who informed him that jury duty was an all-day assignment, regardless of the release time and should be recorded on timecards as such. The grievant was instructed to provide the name of the co-worker; but he refused to do so. Given the grievant's refusal to provide the name of the co-worker, the Company reviewed SAP records and determined that

another employee had attended jury duty on the same day. It was confirmed that that employee was also released in the morning, but did report back to work.

Discussion

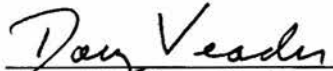
The Union argued that discharge was too severe. The grievant made an error in judgment and should not lose his job over the incident. The grievant is a new employee and is not familiar with all the requirements.

The Company responded that, as provided for in Section 101.10 of the Physical Labor Agreement, the grievant was properly instructed by his regular supervisor and his temporary supervisor to report back to work following jury duty. He deliberately chose to disregard this direction. Instead, he went home at 9:45 a.m. and falsified his time card by indicating he had spent the entire day at jury duty. Additionally, he refused to answer questions during an investigative interview, requiring the Company to do further work to ascertain the facts.

Additionally, the Company pointed out that his explanation that another employee said he was entitled to the entire day has no credibility, given that the other employee did return to work following jury duty. Never the less, his explanation even if true, does not justify disobeying his supervisor's direction. As noted in the Local Investigating Committee, the grievant even provided false information to the shop steward on the day of the investigative interview. He told him that he was dismissed at 2:30. He later admitted this was not correct.

Decision

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

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

12/17/13  
\_\_\_\_\_  
Date

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

12/17/13  
\_\_\_\_\_  
Date