

REVIEW COMMITTEE

PG and E

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IBEW



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L.N. FOSS, SECRETARY

D.J. BERGMAN, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

REVIEW COMMITTEE DECISION

Review Committee File No. 1451-78-18
Fact Finding Committee No. 924-78-217
North Bay Division Grievance No. 4-491-78-54

Review Committee File No. 1452-78-19
Fact Finding Committee No. 991-78-284
San Joaquin Division Grievance No. 25-198-78-62

Statement of the Cases and Summary of the Record Facts

The cases each concern the discharge of a Company employee for theft of Company property. The relevant facts of each case are summarized as follows:

Review Committee File No. 1451

This case deals with a Lineman who used a Company pick-up truck to transport two Company-owned utility pole sections, which were considered salvage, to his home during working hours. Coincidentally, on this same day, the grievant's supervisors were investigating another employee charged with theft of Company property. This other employee implicated the grievant with complicity in his case. After interviewing the grievant on both of these issues (the improper use of the Company pick-up truck, and the other employee's accusation), the supervisors drove to the grievant's home to talk with his wife. On the grievant's property, and in plain sight, were located a PGandE splice box, some guy wire, preform grips, and other pole sections and crossarms. Confronted with their discovery, the grievant voluntarily turned over additional Company property, including pulleys, guy wire, a Troubleman's lantern, hand block, space bolts, flashlights, plastic splice box, and a number of rolls of PVC electrical tape. The estimated new replacement value of all the material not considered salvage was approximately \$276. The grievant admitted taking the material over a number of years, much of which he stated that he had taken from the refuse pile - some with permission, and some without permission.

Review Committee File No. 1452

This case deals with a Lead Mechanic who initially denied any involvement in the unauthorized removal of a large side-view mirror from a Company pick-up truck which was scheduled for transportation to Oakland for auctioning. Later on the same day, a smaller side-view mirror was put on the truck replacing the missing mirror. Again, the grievant denied any involvement in this event. After considerable investigation involving Company security personnel and the services of a fingerprint expert, the grievant finally admitted that he was responsible for both episodes

involving the mirrors. With the grievant's permission, his supervisors entered the grievant's property in a search for other Company property. They found and identified as Company property a 100-foot cloth tape, a snake bite kit, a new corporation lock and a traffic cone.

Each of the employees was discharged following the conclusion of the investigations.

Discussion

The two cases have similarities. In each, the grievant was found to have in his possession unauthorized Company property, and the fact of misappropriation was established. Evidence revealed that both grievants were aware of the provisions of the Employee Conduct Standard Practice (Standard Practice No. 735.6-1) and that both cases involved a violation of the Basic Honesty portion of the Practice. The dissimilarity between the two cases lies in the candid admission of the Lineman and in the evasive testimony of the Lead Mechanic.

In discussing these cases, the Review Committee broadened its examination to include the Company's application of discipline in cases of similar nature. All levels of the grievance procedure have witnessed an increasing number of these cases which involve variations extending from the misappropriation of a few gallons of gasoline to cases involving large amounts of property when measured in dollars. In the past, the discipline has been, for the most part, levied uniformly; that is, conduct involving misappropriations have resulted in discharge without regard to the dollar value involved or the personal circumstances of the discharged employee.

To the extent that this Decision sets forth policy for the future, and in accord with our understanding of the Company's policy, violations of Standard Practice 735.6-1 must be judged on the merits of each incident; taking into account the value of the property at the time of misappropriation, the seriousness of the misconduct, the employee's service record and length of service. These considerations of merit will be applied only following a finding that the misconduct occurred. However, violations of this policy will still be considered serious transgressions of the employee/employer relationship.

It must be emphasized that the above-mentioned consideration of merits will not be applied by the Review Committee or Fact Finding Committee in instances where it has been proven that an employee has stolen Company cash or is responsible for the revenue metering diversion of natural gas, electricity, water or steam for personal use.

Also under discussion by the Review Committee was the fact, established by the record before the Committee, that the Company's policy with regard to employee removal of its property (in many instances, junk or non-salvageable) was not uniformly understood or applied throughout the Company's system prior to the issuance of the revised Standard Practice (October 1, 1977). The possibility exists that some employees may have in their possession items of Company property acquired before the revised Standard Practice was issued, which may have been received by them with the permission of their supervisor or, in other instances, the removal of scrap "tolerated by their supervisors." The question before this

Committee then is what part should this Company property so acquired play in determining the degree of Company action to be applied if an employee is charged with a recent violation of this Standard Practice. The Committee is of the opinion that in such a case the value of the material that can be proven to have come into the employee's possession prior to October 1, 1977, will be excluded from the total value of any misappropriated property.

Decision

It is the decision of the Review Committee that the discharges involved in these cases were consistent with those previously sustained through the grievance procedure.

The grievances are, therefore, denied.

FOR COMPANY:

F. C. Buchholz
J. B. Stoutamore
D. J. Bergman

By 

Date 9-24-79

FOR UNION:

G. W. Abrahamson
E. H. Burr
L. N. Foss

By 

Date 9-26-79