

REVIEW COMMITTEE**PG and E**

PACIFIC GAS AND ELECTRIC COMPANY
 245 MARKET STREET, ROOM 444
 SAN FRANCISCO, CALIFORNIA 94106
 (415) 781-4211, EXTENSION 1125

IBEW

CASE CLOSED
LOGGED AND FILED

DEC 22 1985

RECEIVED DEC 22 1986

INTERNATIONAL BROTHERHOOD OF
 ELECTRICAL WORKERS, AFL-CIO
 LOCAL UNION 1245, I.B.E.W.
 P.O. BOX 4790
 WALNUT CREEK, CALIFORNIA 94596
 (415) 933-6060

D.J. BERGMAN, CHAIRMAN

REVIEW COMMITTEE DECISION

R.W. STALCUP, SECRETARY

- DECISION
 LETTER DECISION
 PRE-REVIEW REFERRAL

General Construction Grievance No. 3-1428-85-62
 Review Committee File No. 1633-86-4

Subject of the Grievance

This case concerns the discharge effective June 18, 1985 of a G.C. Field Regulator Changer for falsification of Company records.

Facts of the Case

The grievant was employed July 19, 1984 as a Field Regulator Changer in Sacramento. She later worked in Davis and then in March 1985 she was transferred to Woodland. Shortly thereafter, a Reserve Gas Serviceman was assigned to work in the same area or with her changing out regulators. According to the grievant, several times she informed her supervisor, who was a temporarily upgraded Serviceman, that she did not want to work with the Reserve Gas Serviceman any more. Except for stating that the Reserve Gas Serviceman engaged her in incessant chatter regarding his personal life, she did not go into detail about why. The supervisor denies that any discussion took place regarding the Reserve Gas Serviceman working with the grievant.

The supervisor testified that on June 11, 1985 he made a field check of the grievant and found her to be working in the 200 block of Chestnut Street which was not on her assigned route for that day. That evening he checked the tags she turned in and found none for Chestnut Street. As a result, the supervisor conducted further audits and on June 12 he informed his supervisor of his concern that the grievant was turning in tags for completed work, when in fact, the work had not been done. A check of the tags turned in on June 12 showed that none were completed. As a result, the supervisor was instructed to remove the incomplete tags from the grievant's truck, the next day (June 13) assign the grievant a fixed number of tags, and have her return to the yard early. That afternoon, June 13, the grievant was suspended pending investigation and told to return at 8:30 a.m., Monday, June 17, 1985. At that time, she was questioned regarding the incomplete work for June 11 and 12, a total of approximately 24 tags. The grievant stated that she got behind in her work on June 5 and 6, was off sick for six hours on June 7 (Friday) and all day on June 10. She stated that on June 11 - 13 inclusive she attempted to catch up. She stated there were five regulators left unchanged of the alleged 24. A check by the supervisor following the meeting confirmed that all but five regulators were changed.

The grievant stated she had never falsified tags before June 5 and 6 yet in a check of her work subsequent to her discharge an additional six completed tags were found where the regulators had not been changed. The grievant stated she'd never worked the streets the tags were for and that the

tags must have been forged. These six tags were submitted to a handwriting analyst who confirmed that the tags were completed by the grievant.

On June 26, 1985, the grievant alleged to the Union, and the Union informed the Company that while employed, she had been sexually harassed and on June 6, sexually assaulted by the Reserve Gas Serviceman who had been assigned to work with her.

Discussion

This case has been discussed at great length at each step of the grievance procedure. The record developed through the taking of testimony, site visits, the reviewing and gathering of documents is substantial; yet there are discrepancies which have not been reconciled. With a case such as this, it can be expected that there will be some inconsistent statements.

However, there is one fact that is not in dispute, and it is that the grievant did falsify Company records. She turned in tags for completed work which had not been performed. This is a very serious transgression of an employee's obligation to the employer. The documents falsified are official Company records to be provided if subpoenaed in legal actions.

The Committee discussed other cases involving falsification of Company records noting that the discipline is usually severe. With the grievant's admission in this case, just and sufficient cause for disciplinary action is established and the only remaining question is whether the penalty, discharge, fit the offense or whether mitigating factors should be considered.

Decision

Based on a review of all of the evidence in this case, the Review Committee agrees to reinstate the grievant without back pay but with benefits intact consistent with the provisions of Subsection 111.5(a) as a Helper in the General Construction Gas Department. She will be returned to work in the greater Sacramento area.

Further, she will be precluded from returning to Field Regulator Changer for 12 months following her return to work after which she will be considered in accordance with Title 305. Should she again falsify Company records, she may be discharged. For one year following her return to work, her recourse to the grievance procedure is only to determine if the falsification incident occurred.

This case is considered closed.



DAVID J. BERGMAN, Chairman
Review Committee

Norman L. Bryan
Floyd C. Buchholz
Robert C. Taylor

Date 12-19-84



ROGER W. STALCUP, Secretary
Review Committee

Patrick S. Nickeson
Fred H. Pedersen
Arlis L. Watson

Date 12/18/86