



# REVIEW COMMITTEE

301.3 -Definition of  
falsification of  
Residence Certificate



PACIFIC GAS AND ELECTRIC COMPANY  
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SAN FRANCISCO, CALIFORNIA 94106  
(415) 973-1125

SEP 24 1991

**CASE CLOSED  
LOGGED AND FILED**

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  
R.W. STALCUP, SECRETARY

D.J. BERGMAN, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

RECEIVED SEP 23 1991

General Construction Grievance Nos. 3-1915-89-20 & 3-1977-89-82  
Review Committee Files 1698-90-3 & 1713-91-1

September 12, 1991

BYRON TOMLINSON, Company Member  
ENCON Joint Grievance Committee

RON VAN DYKE, Union Member  
ENCON Joint Grievance Committee

These cases were referred to a Per Diem Ad Hoc Committee for review and settlement. The Committee agreed on settlements in both cases and to a clarification of the language in the Agreement.

The Committee agreed that discipline is appropriate when an employee falsifies or delays filing a Residence Certificate. When this happens the employee is also required to pay back the amount of any overpayment. If any employee maintains poor records and is unable to demonstrate that the claimed residence is valid, per diem should be discontinued. In the latter situation, discipline and repayment are not appropriate.

The Company will continue to audit and require employees to demonstrate financial responsibility and commutes home on most weekends when working at distant assignments. The Company will also reissue what are acceptable documents for verifying weekend commutes and residences.

Review Committee File No. 1698-90-3

The grievant provided proof of his residence but was unable to demonstrate that he commuted home most weekends. In this case, it was not fraud but negligence in retaining documents required under Section 301.3 of the Agreement. Therefore, the discipline should be rescinded and per diem should be discontinued until the provisions of Section 301.3 of the Agreement are met.

Review Committee File No. 1713-91-1

The grievant in this case never demonstrated financial responsibility at his new claimed residence. His prior claimed residence was in fact his residence during the period in question for the purposes of Title 301 of the Agreement. The Committee agreed that the discipline was appropriate as well as the reimbursement and this case is closed without adjustment.

  
DAVID J. BERGMAN, Chairman  
Review Committee

  
ROGER W. STALCUP, Secretary  
Review Committee

JAMoffat(223-5665):nj