



PACIFIC GAS AND ELECTRIC COMPANY  
2850 SHADELANDS DRIVE, SUITE 100  
WALNUT CREEK, CALIFORNIA 94598  
(925) 974-4282

MARGARET A. SHORT, CHAIRMAN

DECISION  
LETTER DECISION  
PRE-REVIEW REFERRAL

## REVIEW COMMITTEE

RECEIVED by LU 1245  
SEPT. 14, 2001

**CASE CLOSED  
FILED & LOGGED**

**IBEW**



INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS, AFL-CIO  
LOCAL UNION 1245, I.B.E.W.  
P.O. BOX 4790  
WALNUT CREEK, CALIFORNIA 94596  
(925) 933-6060  
SALIM A. TAMIMI, SECRETARY

### Review Committee No. 12224

Monica Oakes  
Company Member  
Local Investigating Committee

Jim Lynn  
Union Member  
Local Investigating Committee

#### Subject of the Grievance

This case concerns the discharge of a Fresno Lineman for falsification of Company records and failure to perform his duties.

#### Facts of the Case

At the time of discharge the grievant had 22 years of service and no active discipline. On July 31, 2000 the grievant was assigned to inspect overhead, pad mounted, and underground electric facilities for maintenance or repair pursuant to CPUC mandates. These duties are performed independently and not as part of a crew.

The grievant's immediate supervisor testified that it is his responsibility to post-check the work of the Inspectors, (the work performed by the grievant as a Lineman.) In order to do the post-checks, the supervisor pulls maps and checks locations the Inspectors have been. In late September he noted that he had not received any tags from the grievant. The supervisor pulled the maps assigned to the grievant and noticed they were in perfect condition with none of the wrinkles, marks or dirt normally found on maps after use. The supervisor went to a number of the locations and it was immediately evident that none of them had been inspected. The supervisor came to the conclusion that no maintenance work had been performed and none of the enclosures had been opened.

On September 25 the supervisor notified the Security Department of his concerns. The supervisor and the Security Representative went to several additional locations and again concluded that no work had been done. Security decided to conduct a surveillance of the grievant.

On October 3 the supervisor and another supervisor checked 30 subsurface transformers submitted as completed by the grievant and found that none of them appeared to have been opened or inspected.

On October 19 the supervisor and the Security Rep inspected 61 subsurface tags and found that none had been opened or inspected. In addition, they found three sites the grievant noted as inspected that no longer existed.

The contract surveillance team followed the grievant on October 4, 13, 17, and 23 from the time he left the service center. The team observed the grievant to park in a fig orchard for between three and five hour periods. The surveillance team lost sight of the grievant on October 23.

When the supervisor was asked why he did not confront the grievant about his findings, he stated he was instructed by Security not to talk to the grievant about it while the investigation was on going.

The grievant admitted he did not perform his assigned duties fully and that he did falsify Company records.

Company incurred significant expense and overtime to conduct again all the inspections and records completed by the grievant from approximately July 31 to October 25, 2000.

#### Discussion

Company stated the grievant was discharged for his egregious conduct. The grievant exhibited a total disregard for his assigned duties and for the welfare of the Company or others. By certifying that the infrastructure is in compliance with standards, or that certain work was performed when it wasn't, puts the other employees and potentially customers at risk and could contribute to the failure of service to customers.

Company's OM&C member of the RC noted CPUC has significantly increased its staff of investigators in order to conduct more thorough and frequent audits of PG&E. Penalties can range from \$500 to \$20,000 per violation and possible prosecution. Company has to be able to trust employees to perform their duties with integrity.

Finally, Company noted that over the last three years there have been annual training sessions for all employees on compliance and ethics. Falsification of records has been covered.

Union argued that the supervisor had an obligation to confront the grievant early on and not let him continue. Union further argued that Company's position is that the grievant's behavior had such serious impact, yet Company didn't take immediate steps to curtail the grievant's inactivity.

Union questioned the decision to conduct surveillance when it was evident to the supervisor and the Security Rep that the grievant had not performed assigned work and had falsified records. Union noted that continuing the surveillance was just an attempt to build a case for discharge.

Union further argued that discharge was too severe, that he should have been placed on a DML since the intent of Positive Discipline is to change the behavior. Discharging the grievant precludes the opportunity to change.

Once again, Union asserted that Company is not living up to the spirit and intent of Positive Discipline.

Decision

In resolving this case, the Review Committee agreed to jointly communicate that in the future should another case similar in facts to this one occur, that is multiple occasions of falsification of Company records that pertain to compliance with regulatory and/or legislative orders, discharge in all likelihood will result. Investigation into a single event could lead to the discovery of other occasions of falsification thereby subjecting the employee to discharge. All discharges and disciplinary actions, of course, are subject to the grievance procedure.

As to the grievant, the Review Committee is in agreement that his behavior was totally unacceptable. However, given the above understanding, this case is to be resolved by reinstatement without back pay as a Lineman in Fresno, benefits in tact except for vacation forfeiture pursuant to Subsection 111.5(a).

The grievant will be placed on a Decision Making Leave active for one year from the date he returns to work. During the active life of this DML, the grievant is to be assigned to work as a member of a crew and not allowed to work alone.

If the grievant was in the DOT Commercial Driver Pool, then he will need to take a Return to Work test.

This case is closed on the basis of the foregoing understandings and adjustment.

**For the Company:**

Margaret A. Short  
Ernie Boutte  
Dave Morris  
Malia Wolf

**For the Union:**

Sam Tamimi  
William R. Bouzek  
Ed Dwyer  
Sherrick A. Slattery

By: Margaret Short

By: Sam A. Tamimi

Date: 9/13/01

Date: 9-13-01