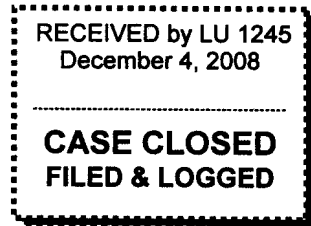




## REVIEW COMMITTEE



PACIFIC GAS AND ELECTRIC COMPANY  
Labor Relations Department  
Mail Code N2Z  
P.O. BOX 770000  
San Francisco, CA 94177  
(415) 973-6725



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

JOHN MOFFAT, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

### REVIEW COMMITTEE No. 18340 Sierra – Electric – Auburn

Jeff Neeley  
Company Member  
Local investigating Committee

Phil Carter  
Union Member  
Local Investigating Committee

#### Grievance Issue:

Company discharged an Underground Construction Journeyman for personal use of Company equipment, misuse of company work time and restoration of power at his personal residence resulting in customer complaints.

#### Facts of the Case:

There are two events that led up to the discharge of this 31 year employee with no active discipline. In the first event the grievant used a backhoe and dump truck to remove a stump on his property during work hours in violation of USP 1. The employee did not have permission and if the supervisor was asked he would not have granted permission to perform this work or charge the time.

The second event the grievant restored his service while others in the neighborhood remained with out power. In both cases the grievant's neighbor complained. The Company's Corporate Security Department did an investigation and confirmed the allegations.

Union argued that the discipline was too harsh for an employee with 31 years and no active discipline. The employee restored his service after being out for days. The uniqueness of where his house located and was serviced by an overhead line with an underground system adjacent to his property enabled the grievant energized his house from the underground using jumpers and followed proper work procedures. The grievant alleges that he had permission from his supervisor to do the work. The Union agreed that the stump removal was a conduct violation and that the employee did not have permission.

Company argued that the employee violated USP 1, personal use of Company equipment and time and he was not authorized to restore his electric service. The Company also argued that the grievant has damaged the Company's reputation and has caused a customer to complain. Company further argued the grievant clearly did not have permission to use the Company equipment or restore his service and that escalated discipline is appropriate

The supervisor testified in the Local Investigating Committee meeting that "employees have been allowed to restore power to their residences during storms but only if they are able to add other customers at the same time who maybe sharing the power source. And only if it's operationally convenient and the employee obtains permission.....that he doesn't remember telling the grievant 'ya-ya" to install the jumper to his home."

Decision

The grievant did use Company equipment without authorization resulting in a customer complaint. The grievant also restored his own power during an outage while his neighbors remained without power, resulting in another customer complaint. Both of these actions are violations of Company Policy if the employee does not have explicit permission from his/hers supervisor.

There is ambiguity in the testimony if the employee had permission to restore his service. In the termination letter the employee was terminated for both actions and the ambiguity is enough to reduce the discipline in this case.

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 to his classification and headquarters, benefits intact except for vacation forfeiture pursuant to Subsection 111.5(a).

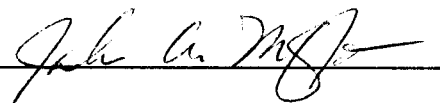
The grievant will be placed on a Decision Making Leave active for one year from the date he returns to work.

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

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

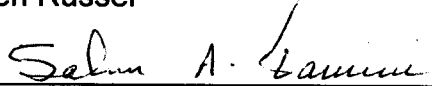
**For the Company:**

John Moffat  
Gayle Hamilton  
Dave Morris  
Malia Wolf

By:   
Date: 12-3-08

**For the Union:**

Sam Tamimi  
William R. Bouzek  
Lou Mennel  
Russ Rylee  
Karen Russel

By:   
Date: 12-3-08