



REVIEW COMMITTEE



PACIFIC GAS AND ELECTRIC COMPANY
LABOR RELATIONS DEPARTMENT
375 N. WIGET LANE, SUITE 130
WALNUT CREEK, CA 94598
(530) 246-6430

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

ROBIN WIX, CHAIRMAN
 DECISION
 LETTER DECISION
 PRE-REVIEW REFERRAL

F.E. (ED) DWYER Jr, SECRETARY

Review Committee Number 22307 Electric Operations – Restoration – Fortuna

Maggie Brown
Company Member
Local Investigating Committee

Sonny Hollesen
Union Member
Local Investigating Committee

Subject of the Grievance

This case concerns the discharge of a Troublemaker for misuse of company time, making false entries into the Field Automation System (FAS), and fraudulently claiming overtime compensation.

Facts of the Case

The grievant was a Troublemaker with 4 years of service. At the time of the incident the grievant had no active discipline.

On July 4, 2013, the grievant worked a tag at Ruth Lake. A review of the tag indicated that the time to travel and restore power seemed excessive which initiated further review of the grievant's tags in the Field Automated System (FAS), GPS records, and timecards between July 1st and August 12, 2013. The review revealed that on 15 occasions the grievant made entries into FAS that were inconsistent with his actual activity and location. Included in these 15 occasions, were 3 separate occasions where the grievant fraudulently submitted for overtime totaling 4.5 hours. The grievant submitted timecards and daily reports indicating he was in the field when he was at his residence.

Additionally, the investigation revealed multiple occasions where the grievant would log onto FAS in the morning at the start of his shift and indicate either "enroute" to a job or stocking/refueling his vehicle however he would remain at home between 1 to 3 hours.

Discussion

The Union argued that the grievant was never made aware of the requirement to complete his FAS tags while still in the field. The grievant would sometimes complete his work in the field and return to his residence to enter the information into FAS or complete his timecard. The Union argued being at home while finishing tags or waiting for new tags was an accepted practice for many years. The Company issued an email regarding the change in practice, however the grievant was not part of the email address list and therefore never received notification he was not to complete work at home. The Union further argued that the grievant spent time charging the battery for the boom on his Company truck at his residence while cleaning and stocking his vehicle, accounting for the delays in his leaving his home at the beginning of his shift.

The Company argued that the grievant misused company time, both on straight-time and overtime on multiple occasions. He entered false information into FAS indicating he was completing work in the field when GPS places him at his residence. The Company issued various communications regarding expectations that Troublemembers not be at home during their assigned work hours. It is not believable that the grievant was unaware of the Company's expectations that Troublemembers be in the field or at their assigned headquarters during work hours. Additionally, during the investigation, the grievant admitted he was aware of a "recent" communication, prior to July 2013, regarding expectations that Troublemembers not "ride tags home" and work tags "ASAP." The grievant's actions of logging into FAS and not leaving his home in the morning for long periods after entering into FAS that he was "enroute" to an assigned work tag is in direct violation of the work direction he admitted to being given during a "recent meeting".

The Company further argued that the grievant attempted to benefit from overtime on 3 separate occasions which he did not work, including an overtime meal on July 7th that he submitted he earned at 9:15 p.m. but for which he was at his residence from 7:56 p.m. to 9:29 p.m.

The Company pointed to RC 20762 which upheld the termination of a long service employee (25 years) without active discipline for falsifying information in FAS and on his timecards on 12 occasions within a 6 month period, stretching his overtime assignments for the benefit of increased pay without performing work. The grievant in this case is a 4 year employee who falsified Company documents and submitted for overtime he did not work.

Decision

The Committee agrees the discharge was for just cause and this case is considered closed without precedence or prejudice.

For the Company:

Robin Wix
Rod Williams
Tanya Moniz-Witten
Chris Zenner

For the Union:

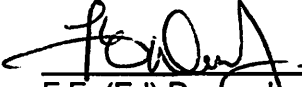
F.E. (Ed) Dwyer Jr.
Robert Mohler
Jim Brager
Karen Russell



Robin Wix, Chairman
Review Committee

4/22/15

Date



F.E. (Ed) Dwyer Jr., Secretary
Review Committee

4/22/15

Date