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San Jose Division Grievance No. 8-73-26
Discharge of Gas Helper
P-RC 7

November 26, 1973

MR. F. L. NETTELL, Chairman
San Jose Division
Joint Grievance Committee

The above-subject grievance has been reviewed prior to its docketing on the agenda of the Review Committee. It was determined that the Joint Statement of Facts provides an inadequate basis for discussion, much less settlement. Before the grievance can be accepted by the Review Committee, additional information will be required. Therefore, the grievance is being referred back to the Joint Grievance Committee for further investigation.

After the Joint Statement of Facts is completed, the Committee should again attempt to reach a settlement in the case. If not, then the case should be returned to the Review Committee for settlement.

L. V. BROWN

L. V. BROWN, Chairman
Review Committee

DJBergman:mt

cc: VHLind
IWBonbright
AMKezer
LNFoss, IBEW ✓

PACIFIC GAS AND ELECTRIC COMPANY
SAN JOSE DIVISION
GRIEVANCE AND L.I.C. NO. 8-73-26

PRC
#7

1. SUBJECT OF THE GRIEVANCE:

Discharge of grievant, Robert Talerico, Gas Helper, Gas T&D, Lewis Road, San Jose.

2. JOINT STATEMENT OF FACTS:

On Tuesday, July 3, 1973, Mr. Harold Carrell received a telephone call from Mr. Rich Serpa who is the floor manager at Mel Cotton's Sporting Goods Store, San Jose. Mr. Serpa related to Mr. Carrell that a P G and E crew was allegedly involved in an attempted theft of a tent from their store.

Mr. Carrell subsequently determined that the P G and E employees allegedly involved were Mr. Charles Davis, Light Crew Foreman, Lewis Road and Mr. Robert Talerico, Gas Helper, Lewis Road. These two employees were confronted with the information Mr. Carrell had received over the telephone from Mr. Serpa on the evening of July 3, 1973. At that time, Mr. Davis admitted to stopping at Mel Cotton's Sporting Goods Store at approximately 1:00 - 1:30 p.m. to purchase a part for his lantern. He stated he did not know how the tent box got in the back of his truck. Mr. Talerico also stated he did not know how the tent got in the back of the Company vehicle.

On July 5, 1973, after the July 4 holiday, Mr. Carrell personally visited the Mel Cotton's Sporting Goods establishment to obtain their full version of the story. Mr. Carrell talked to an apparent eye witness, Mr. Scott Feldman, who related that he had seen a P G and E truck pull into the sporting goods store side parking lot with the driver and another individual subsequently getting out of the truck to apparently go in the store. Mr. Feldman went on to relate to Mr. Carrell that he saw one of the P G and E employees, not the driver, a few minutes later walking across the parking lot toward the P G and E truck with a white long rectangular box on his right shoulder. He stated he could see his face and saw him subsequently load the box into the P G and E truck and then go inside the sporting goods store through the side entrance. Mr. Feldman also stated that he then asked an employee in the store if someone from a P G and E vehicle had purchased a tent and found that no purchase had been made. The P G and E employees were subsequently confronted and since no purchase had been made, nor any admittance to attempted theft, the tent box was unloaded from the P G and E vehicle by a sporting goods store employee and the P G and E employees were allowed to leave.

Mr. Scott Feldman provided Mr. Carrell with a written statement of the events he eye witnessed on July 3, 1973.

On July 10, 1973, arrangements were concluded to have Mr. Feldman make a positive identification of the employee he alleged attempted to steal a tent from the Mel Cotton's Sporting Goods Store. Present at the Lewis Road Service Center for purposes of the identification process were Albert Semenero, Personnel Representative, Robert LaRiviere, Shop Steward, and the eye witness, Mr. Scott Feldman.

The positive identification was made by Mr. Feldman picking Mr. Robert Talerico out from a group of employees who were returning to the Lewis Road Service Center at the conclusion of the work day. Mr. Feldman pointed out the individual he alleged attempted to steal the tent and Mr. Robert LaRiviere stated the individual's name was Robert Talerico.

Mr. Talerico subsequently was discharged effective July 10, 1973. On this basis, Union filed a grievance on July 13, 1973, protesting Company's discharge action. In addition, Union requested that the grievant be reinstated and provided with all back wages and benefits denied as a result of his discharge. The grievance was numbered 8-73-26 and answered by Company on July 13, 1973. Company's answer basically rejected Union's request of reinstating the grievant and as a result, Union appealed subject grievance directly to the San Jose Division Local Investigating Committee on July 14, 1973. At that time, Messrs. A. J. Semenero for Company and R.L. Thomson for Union initiated the investigation of this case.

At the conclusion of that investigation, the members of the Local Investigating Committee were unable to reach agreement on a disposition of the issue which was satisfactory to both parties and; therefore, agreed to refer the grievance to the San Jose Division Joint Grievance Committee for discussion at its meeting on September 5, 1973. As a result of the Grievance Committee's meeting, the grievance was referred to the General Office Review Committee on the same day.

The grievance was reviewed prior to its docketing on the agenda of the Review Committee and as a result, it was returned to the Division on November 26, 1973. In addition, the Review Committee asked that a Joint Statement of Facts be completed by the Local Investigating Committee after which it should be reviewed by the Division Grievance Committee in an attempt to reach a settlement in the case. Consequently, the following facts have been developed.

1. On July 3, 1973, a gas crew consisting of Messrs. Charles Davis, Robert Gagnebin, and Robert Talerico were working on a T&D job in the Milpitas area. Larry Day, a floating Equipment Operator, was also assigned to this crew on July 3.

2. The Light Crew Foreman, Mr. Charles Davis, admits to stopping at the Mel Cotton Sporting Goods Store on July 3, 1973 on his way to the next job site after leaving the Milpitas area. He also states he was driving the crew truck and Robert Talerico, a Gas Helper, was his passenger.
3. Robert Talerico admits to being the passenger of Mr. Charles Davis on the day Mr. Davis stopped at Mel Cotton's Sporting Goods Store. Mr. Talerico denies any wrong doing while at the sporting goods store including specifically attempting to steal a tent by placing it in the back of the Gas T&D crew truck.
4. Mr. Scott Feldman alleges a P G and E employee attempted to steal a box from the sporting goods parking lot thought to contain a tent. Mr. Feldman stated the individual was carrying the box on his right shoulder which allowed him full view of the individual's face from his vantage point in a storeroom opposite the main sporting goods building.
5. Mr. Feldman subsequently identified the individual who allegedly attempted to steal the box during a face to face meeting at the Lewis Road Service Center on July 10, 1973. This positive identification was witnessed by Mr. Al Semenero, Personnel Representative and Mr. Robert LaRiviere, Electric Department, Shop Steward.
6. On December 13, 1973, Mr. Larry Day admitted to being at Mel Cotton's Sporting Goods Store at the same time Mr. Davis and Mr. Talerico were there.
7. Mr. Day admits parking his truck and backhoe at the rear of the Mel Cotton's Sporting Goods Store parking lot and walking through it at which time he saw Mr. Talerico carrying a large box while walking towards the P G and E Gas T&D truck.
8. Mr. Day admits to talking with Mr. Talerico in the store. Although he does not exactly recall how he determined Mr. Talerico was attempting to steal the box; that is whether Mr. Talerico told him outright or Mr. Day asked if he was stealing something, in any event, Mr. Day admits to telling Mr. Talerico that he had better figure out a way to get it off the truck. In addition, Mr. Day states he suggested to Mr. Talerico that he should ask the store employees what the price is and then tell them it is too high. Then tell them he would remove it from the truck.

Immediately subsequent to this conversation, Mr. Day states he left and returned to his truck where he waited for Mr. Davis to leave the store for the next job.

Pacific Gas and Electric Company
San Jose Division
Grievance and L.I.C. No. 8-73-26
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The members of the San Jose Division Local Investigating Committee who developed the above facts are in accord with them without discussion since they are being referred directly to the Division Joint Grievance Committee in an attempt to reach a settlement in this case.

FOR THE COMPANY:

FOR THE UNION:

Leo H. Conner
LEO H. CONNER
PERSONNEL REPRESENTATIVE

Orville Owen
ORVILLE OWEN
BUSINESS REPRESENTATIVE
LOCAL 1245, I.B.E.W.

12/24/73
DATE

December 29, 1973
DATE

1/2/74- Joint Grievance Committee Meeting

- Union withdrew without prejudice based on additional facts presented to L.I.C. after the following:
 1. Union requested - rehirement at probationary ~~the~~ employee.
 - Company position - No!
 2. Union requested - discharge be changed to resignation
 - Company position - No!