

**REVIEW COMMITTEE****PG and E****IBEW** 

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R.W. STALCUP, SECRETARY

**CASE CLOSED** JAN 28 1983  
**LOGGED AND FILED**

D.J. BERGMAN, CHAIRMAN

- DECISION  
 LETTER DECISION  
 PRE-REVIEW REFERRAL

San Joaquin Division Grievance Nos. 25-464-81-54, 25-465-81-55,  
25-466-81-56, 25-467-81-57 and 25-468-81-58  
P-RC 780

January 27, 1983

MR. D. S. SOLBERG, Company Member  
San Joaquin Division  
Local Investigating Committee

MR. B. LeGARE, Union Member  
San Joaquin Division]  
Local Investigating Committee

The above-subject grievance has been discussed by the Pre-Review Committee prior to its docketing on the agenda of the Review Committee and is being returned, pursuant to Step Five A(i) of the grievance procedure, to the Local Investigating Committee for settlement in accordance with the following:

Subject of the Grievance

This case concerns disciplinary action given to five employees in the Electric T&D Department in Fresno as a result of events that occurred on July 27, 1981.

Facts of the Case

Two of the grievants, a Lineman and a Groundman, were assigned a job to locate an underground fault. After arriving at the site in the afternoon, they requested assistance. A crew comprised of a Line Subforeman, and two Linemen were sent to help. The work was completed at approximately 5:30, one hour past their normal quitting time. Because they had experienced some difficulty with the customer, the grievants quickly cleaned up the area and left. They drove approximately four blocks to a cul-de-sac to park and allegedly transferred tools back to the appropriate truck.

Once the tools were properly put away, the Groundman asked the Lineman he'd been assigned to work with for permission to return to the yard as he had some personal business to attend to before 9:00 p.m. The Groundman signed a blank time card, gave it to the Lineman, and departed.

The other four employees later left the cul-de-sac and went to a restaurant for dinner arriving between 6:30 - 6:45 p.m. While there, one of the Linemen ordered steak and lobster, despite instructions from the Line Subforeman not to do so. Following dinner, the grievants returned to the yard arriving at approximately 8:00 p.m. The Lineman who had been working with the Groundman completed all of the time cards, including the Groundman's. He showed everyone working until 8:30 p.m.

January 27, 1983

The following day, a customer who lives approximately 150 feet across an open field from where the trucks were parked called to complain about the employees' activities the previous evening. The customer stated he observed four or five people drinking from brown bottles what appeared to be beer. He also provided the license numbers on the trucks.

Two days after the customer's call, the District Electric Superintendent and the Security Representative went to the vacant field where the employees had been observed. They collected several empty beer bottles. The Security representative took them home and dusted them for prints. From two of the bottles, he "lifted prints" which he took to the Sheriff's office to analyze. Positive identification could only be made on one set of prints. It was the left thumb of one of the Linemen.

The Line Subforeman was given three days off and demoted to Lineman. The confirming letter indicates the reason for this action was based on his previous disciplinary history which included a reference to his refusal to sign an acknowledgement slip after reviewing Standard Practice 735.6-1. With respect to the events of July 27, 1981, the letter stated that the Subforeman:

1. Demonstrated an unwillingness to accept the responsibilities of a Line Subforeman,
2. Was untruthful during the investigation of the incident,
3. Took the crew and line truck away from a reasonable route to return to the headquarters or to a restaurant from the job site.
4. Allowed the consumption of beer in his presence on the job.
5. Wasted Company-paid overtime between the job site and return to headquarters.
6. Allowed a Lineman to order and charge the Company for a luxury meal.

Lineman A who had no prior disciplinary history received a five-day disciplinary layoff for:

1. Not exercising his responsibilities as a journeyman.
2. Being untruthful during the investigation of the incident.
3. Taking the Groundman and Company vehicle away from a reasonable route.
4. Wasting Company-paid overtime.
5. Consuming alcoholic beverages during working hours.
6. Falsifying the Groundman's time card.

Lineman B received a disciplinary letter for being untruthful during the investigation and charging a luxury meal to the Company. The letter also referred to previous discipline including a counselling for refusal to sign the Standard Practice 735.6-1 acknowledgement slip.

Lineman C and the Groundman received disciplinary letters for being untruthful during the investigation.

### Discussion

The Committee discussed this case at length noting that only the Lineman whose fingerprints were identified was disciplined for drinking beer. Other cases involving the drinking of alcoholic beverages during working hours were reviewed, and it was noted that the degree of discipline has varied.

The route taken by the grievants from the job site to the restaurant and back to the yard was plotted on a map. In the opinion of the Pre-Review Committee, it does not appear that the grievants took an unreasonable route and they did take their meal at an approved restaurant. The times for the employees' activities could not be definitely pinpointed; however, it does appear that the time spent between completion of the job and return to the headquarters was excessive.

### Decision

The Committee agreed that the disciplinary time off and demotion of the Line Subforeman was appropriate. It was further agreed that the demotion to Lineman would remain in effect for a minimum of six months, that is; until February 26, 1982, after which, the grievant's bidding rights to return to the Subforeman classification would be restored, pursuant to Section 206.9 and the appropriate Subsections of Title 205 regarding qualifications. It was noted by the Committee that the grievant suffered an industrial injury on February 24, 1982 which has precluded him from working since that time except for an approximate three-month period of very light duty. The grievant is currently off on the Compensation Payroll.

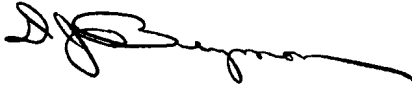
It was agreed to reduce the discipline of Lineman A from five days to three for the consumption of beer and falsification of the Groundman's time card. The discipline is being mitigated because of the grievant's nine years of service with no prior disciplinary history and to be more consistent with the discipline meted out for other similar situations, including cases from San Joaquin Division.

A disciplinary letter for Lineman B is appropriate, however, will be modified. The letters to Lineman C and the Groundman will be rescinded.

Attached as part of this decision are revised letters to the Subforeman and Linemen A and B. References to the grievants' refusal to sign the Standard Practice 735.6-1 acknowledgement form will be deleted from the letters. It is Company's policy to request, but not require, employees to sign certain documents after review. If the employee declines to sign, it is recommended that the supervisor note the date that the document was reviewed with the employee and that the employee declined to sign.

The Pre-Review Committee is in agreement that all employees are expected to be truthful and practice basic honesty.

This case is considered closed on the basis of the foregoing and the adjustments contained therein. Such closure should be noted by the Local Investigating Committee.



D. J. BERGMAN, Chairman  
Review Committee



R. W. STALCUP, Secretary  
Review Committee

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