

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

PACIFIC GAS AND ELECTRIC COMPANY
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CASE CLOSED
LOGGED AND FILED

JUN 19 1986

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W.
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R.W. STALCUP, SECRETARY

D.J. BERGMAN, CHAIRMAN

RECEIVED JUN 19 1986

- DECISION
 LETTER DECISION
 PRE-REVIEW REFERRAL

Nuclear Plant Operations Grievance Nos. 22-107-85-10
and 22-112-85-15
P-RC 1117

June 16, 1986

EDWARD M. CONWAY, Company Member
Nuclear Plant Operations
Local Investigating Committee

DAVID H. REESE, Union Member
Nuclear Plant Operations
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(ii) of the grievance procedure, to the Local Investigating Committee for settlement in accordance with the following:

Subject of the Grievance

This grievance concerns the discharge of a Machinist at Diablo Canyon Power Plant for allegedly breaking into a locked cabinet and theft of supervisory files.

Facts of the Case

The grievant was hired on August 9, 1965 and was promoted through various positions to the level of Mechanical Foreman. On April 12, 1985, the grievant was demoted from Mechanical Foreman for non-performance of supervisory responsibilities to the Machinist classification, a classification previously held while in the bargaining unit. On April 19, 1985, a locked file cabinet in the office of the grievant's General Foreman was broken into, and files were stolen. The grievant was suspected in the theft and was suspended pending investigation on April 23, 1985. Following the conclusion of the investigation, the grievant was terminated on May 28, 1985.

The contents of the file reported stolen were between 100-150 folders containing information on employees, including material such as performance appraisals, counseling or discipline that had been taken, Foremen's files, performance ratings, educational information, PSEA courses and resumes. Among the missing files was one on the grievant containing disciplinary letters, copies of letters sent by the grievant to the Company complaining of harassment, penciled notes by the General Foreman, and a time card containing false information for which the grievant had been disciplined.

It was established that the grievant had a key to the General Foreman's office. All Foremen, employees upgraded to Foreman, and the General Foreman's secretary had keys to the office. In addition, it was common practice for anyone needing a key to borrow one from someone who had been issued a key.

June 16, 1986

It was also determined that the grievant did not know the combination to the lock on the General Foreman's file cabinet.

The hasp on the padlock used to secure the file cabinet was ground in two to get access to the files. The tool used was an electric or air driven grinder. As a journeyman Machinist, the grievant was familiar with and skilled in the use of grinders. In addition to the hasp on the lock being ground, there were also grinder marks on the file cabinet. The investigation of the break-in did not reveal any traces of metal dust or metal filings in the General Foreman's office.

The investigation further established that the incident took place sometime between 2:45 a.m. and 6:00 a.m., on April 19, 1985. The General Foreman recalled that at approximately 6:00 p.m., on April 18, 1985, he went into the file cabinet to obtain a locker combination for a new employee, then locked and secured the cabinet. The swing shift Foreman stated that he left work at 2:45 a.m., on April 19, 1985, did not see or hear anyone with a grinder prior to that time, and had been in and out of the General Foreman's office several times during the night.

According to the parking lot log on April 19, 1985, the grievant, a day employee, was logged into the plant between 4:00 a.m. and 5:10 a.m. A computer keycard record established that he was in the turbine building for 47 minutes and 26 seconds. It was established that there were air hoses available for an air driven grinder, and the nearest connection was 24 feet from the cabinet. If an electric grinder was used, the nearest electrical outlet was three feet away. There were approximately 50 grinders available in the machine shop at that time.

The Local Investigating Committee determined the estimated time to accomplish the break-in from the time someone entered the turbine building until they exited the building. The Local Investigating Committee included the time to wait for and travel in an elevator, walk from the elevator to the General Foreman's office, set up a grinder, grind through the lock, obtain a box from an adjoining office, load the files into the box, clean up, walk back to the elevator, wait for the elevator, travel down, and walk out of the building. In the worst case scenario, the Local Investigating Committee determined that the break-in could have been accomplished in 38 minutes and 16 seconds.

The Security Officer logging personnel in the parking lot during the time in question on April 19, 1985, recalled an employee leaving the plant between 4:00 a.m. and 5:00 a.m., on that date. The employee was carrying a box and when asked, responded that he was taking paperwork home. The Security Officer observed that the box was full of manila folders stacked lengthwise.

The grievant testified to the Local Investigating Committee that he was having trouble sleeping the morning of April 29, 1985, so he decided to come into the plant to type letters and copy materials in the Unit 2 Traveling crews' quarters to answer allegations made in his demotion. He left the plant at 5:10 a.m. with a box of personal items, including pictures, books, reference material, and three 1-1/2 inch binders and three or four accordion file folders. The grievant stated that he then went home and gave his wife 12 letters to mail and returned to start his shift at the plant. Round trip from the plant to the grievant's home is approximately 1-1/4 hours.

In light of the grievant's testimony about going into the plant on April 19, 1985 to use the typewriters, Company had the ribbons on the three typewriters in the Traveling Crews' quarters removed and analyzed by a criminologist. One of the letters the grievant stated he typed was a request to review his 701 file. Such a request could not be found in the transcript of typing on the typewriter ribbon.

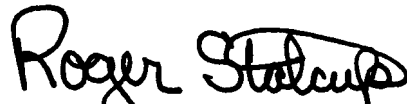
Decision

After thoroughly reviewing the facts presented in this case, the Pre-Review Committee agreed that a preponderance of evidence indicated that the grievant broke into the General Foreman's file cabinet and stole private files.

This case is closed without adjustment and should be so noted by the Local Investigating Committee.



DAVID J. BERGMAN, Chairman
Review Committee



ROGER W. STALCUP, Secretary
Review Committee

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