



# REVIEW COMMITTEE



PACIFIC GAS AND ELECTRIC COMPANY  
215 MARKET STREET, ROOM 916  
SAN FRANCISCO, CALIFORNIA 94106  
(415) 973-1125

MAY 19 1989

**CASE CLOSED**  
**LOGGED AND FILED**

INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS, AFL-CIO  
LOCAL UNION 1245, I.B.E.W.  
P.O. BOX 4790  
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R.W. STALCUP, SECRETARY

RECEIVED MAY 09 1989

D.J. BERGMAN, CHAIRMAN

San Jose Division Grievance No. 8-1136-87-47 P-RC 1263

DECISION

May 8, 1989

LETTER DECISION

PRE-REVIEW REFERRAL

MARTIN H. RATEAU, Company Member

GARY HUGHES, Union Member

San Jose Division

San Jose Division

Local Investigating Committee

Local Investigating Committee

### Subject of the Grievance

This case concerns a ten-day disciplinary layoff on August 6, 1987 received by a Lineman for misappropriation of Company property.

### Facts of the Case

In the course of a Revenue Protection investigation into an allegation of energy diversion on the part of a customer, information was presented that the customer was also in possession of PG&E property. The Security Department investigated and independently interviewed the customer (Mr. Brent) who owned an electrical contracting business and a former employee of the electrical business (Mr. Leal) who had made the original allegation of energy diversion. Both of these individuals identified the grievant as the one who provided PG&E property to the contractor. The property in question was a couple cases of plastic rolls of tape, two or three cases of P.V.C. glue and a barrel lock key.

Mr. Leal's allegation that Mr. Brent was diverting energy at his place of business and his residence was substantiated. In addition to the above items, numerous other items of PG&E property were found at Mr. Brent's place of business. Mr. Brent had been discharged from PG&E in 1977. Mr. Brent acknowledged a long-standing friendship with the grievant. When interviewing Mr. Brent, no mention of the grievant was made by the Security Department until Mr. Brent identified the grievant as a provider of PG&E property. Neither Mr. Brent or Mr. Leal would agree to be interviewed by the Local Investigating Committee.

The grievant who had 28 years of service at the time of the discipline denied the allegation of providing Company property to Mr. Brent.

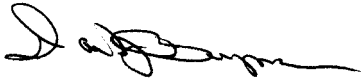
### Discussion

At the outset, the Committee notes that the disciplinary action has been deactivated. At issue is the ten-day suspension received prior to Positive Discipline. The Committee recognizes the difficulty in processing and discussing cases in which the accusers do not testify to the Local Investigating Committee. However, in this case, the evidence presented seems to substantiate

the allegation that the grievant misappropriated Company property. In their discussions with the Security Department, Messrs. Brent and Leal independently collaborate each other's statements that the grievant provided the property. The statements of Mr. Leal in particular seem credible since his allegations about Mr. Brent's energy diversion were borne out, and he has no known ax to grind concerning the grievant.

Decision

After considerable discussion on the merits of this case and the Local Investigating Committee's inability to interview Messrs. Brent and Leal, the Committee agreed that an equity settlement was in order and sustained a five-day disciplinary layoff returning five days to the grievant. This settlement is without prejudice to the positions of the parties.



DAVID J. BERGMAN, Chairman  
Review Committee



ROGER W. STALCUP, Secretary  
Review Committee

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