



REVIEW COMMITTEE

7.1 - Just Cause-Meter Reader on DML-sto at restaurant out of route.



PACIFIC GAS AND ELECTRIC COMPANY
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**CASE CLOSED
LOGGED AND FILED**

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 APR 13 1989

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

Skyline Division Grievance No. GG-SD-46-02-88-45-9
P-RC 1329

April 11, 1989

WILLIAM S. SHELLEY, Company Member
Skyline Division
Local Investigating Committee

DEAN GURKE, Union Member
Skyline Division
Local Investigating Committee

Subject of the Grievance

This case concerns the discharge of a Meter Reader.

Facts of the Case

At the time of the discharge incident, the grievant was at the Decision Making Leave step of Positive Discipline.

On June 30, 1988, the grievant finished his route at 1:25 p.m. As he was travelling back to the office on Highway 1, he needed to use the bathroom so he pulled off and went to Nick's Restaurant in Pacifica which is a few blocks off the highway. The grievant stated that he had never been to Nick's before. The record is also somewhat unclear as to whether the grievant intended to eat lunch at Nick's. According to the grievant, he coincidentally met some friends in the parking lot of Nick's and proceeded into the establishment. While in the restroom, the grievant's friends ordered him a 7-UP which he drank at the bar.

A Customer Services supervisor told the Local Investigating Committee that he was at Nick's eating lunch at 1:50 p.m. on June 30, 1988 when the grievant walked into the bar with two friends. The supervisor walked into the bar and saw the grievant go into a crouch and hide behind the bar. The grievant had just finished a drink of an amber colored liquid, but the supervisor did not ask what had been in the glass. The supervisor told the grievant to return to the office. At 2:10 p.m., the supervisor left the restaurant, and the grievant was still in the bar.

April 11, 1989

In the course of investigating the incident, Company determined that on the grievant's route back to the office, he passed a number of different locations at which he could have used the restroom facilities, including a gas station on the corner of the street where the grievant turned to go to Nick's.

Discussion

The Union expressed concern that deviating a few blocks from the most reasonable route back to the office in order to use a restroom or eat lunch could not, standing alone, be considered a violation of the headquarters prohibition against leaving the route area during working hours. However, the Committee examined all of the factors involved in the case as a whole, including the fact that the grievant was on a DML. The Committee questioned why, if need for a restroom was the reason for going to Nick's, the grievant had not used the other available, closer restrooms. In addition, if this was the first time the grievant had been to Nick's, how did he know it had an accessible restroom? The Committee was struck by the coincidence of the grievant happening to run into friends in Nick's parking lot. If the grievant was intending to eat lunch at Nick's at approximately 2:00 p.m., why did he feel compelled to stop off in the bar with his friends for a glass of 7-UP? Lastly, if the grievant's actions were innocent, why was his reaction to seeing a supervisor an immediate attempt to hide?

Decision

Given the grievant's DML status and a preponderance of the issues involved in the case as a whole, the Committee agreed that the discharge was for just cause.

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


DAVID J. BERGMAN, Chairman
Review Committee


ROGER A. STALCUP, Secretary
Review Committee

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