



REVIEW COMMITTEE

7.1 -Just cause for discipline
Unauthorized possession of
Company property & use of
Company equipment.

IBEW



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

JAN 22 1992

**CASE CLOSED
LOGGED AND FILED**

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W.
P.O. BOX 4790
WALNUT CREEK, CALIFORNIA 94596
(415) 933-6060
R.W. STALCUP, SECRETARY

D.J. BERGMAN, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

RECEIVED JAN - 3 1992

General Construction Grievance No. 3-2186-91-11
P-RC 1545

December 30, 1991

BYRON TOMLINSON, Company Member
G.C. Joint Grievance Committee

BARRY HUMPHREY, Union Member
G.C. Joint Grievance Committee

Subject of the Grievance:

Lineman allegedly received a DML without just cause for a violation of 735.6-1.

Facts of the Case:

The Company received a complaint from a customer that the grievant was using Company equipment and material to build a barn. The Company investigated and did, in fact, discover that the grievant had used poles and had a Line Truck at his house on occasion. Of the poles, only one was usable with an approximate value of \$259.

The grievant stated that the poles he used, as well as the other material, were being discarded and were scrap, and for the Line Truck, he did have it at his house and had permission from his Subforeman to have it at his house. The grievant stated that he had the truck at his house because it was closer than the yard and the crew had experienced mechanical problems. He admitted off loading the poles with the boom and checking the hydraulics but not for any other uses. The grievant stated that the pole the Company valued at \$259 was being discarded by the crew and at the time the grievant took the pole, it was assumed to be of no value. The grievant stated that he had permission from his Subforeman to have the truck at his house and to have the poles; that, in fact, he was saving the Company money.

December 30, 1991

The grievant's Subforeman did testify that he had given the grievant permission to take the scrap as well as park the truck at the grievant's house. The Subforeman felt he was making a sound business decision that could save the Company money.

A Field Mechanic "A" who worked on the vehicle told the truck had been overheating earlier but was repaired prior to the time in question in this case.

The neighbor who reported the incident was not available to be interviewed. The grievant questioned the neighbor's motives due to the fact that they were disputing a property issue.

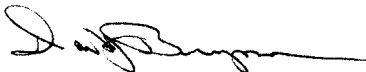
Discussion and Disposition:

The Company argued that the grievant was aware of the procedure for obtaining scrap material and he used the Line Truck for personal gain. He admitted in the testimony if he was a Subforeman he would not be able to authorize those things that his Subforeman authorized and for this reason the discipline was for just cause.

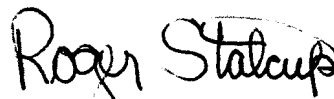
The Union argued that the Company was unable to prove its case due to the fact that the witness would not testify. The Company position is further weakened by the fact that the grievant had permission albeit from his Subforeman.

The Committee agrees that the discipline in this case, based on these facts presented, was too severe. The grievant did use poor judgement and failed to follow proper procedures for disposal of scrap material. Based on the above, the discipline will be reduced to an Oral Reminder.

This case is closed as per the aforementioned and such closure should be so noted in the Joint Grievance Committee minutes.



DAVID J. BERGMAN, Chairman
Review Committee



ROGER W. STALCUP, Secretary
Review Committee

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