

7.1 -Equipmt Mechanic dischg
Theft of auto parts,
falsification of records



REVIEW COMMITTEE

IBEW



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AUG - 2 1993

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

**CASE CLOSED
LOGGED AND FILED**

RECEIVED AUG - 2 1993

RICK R. DOERING, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

**Stockton Division Grievance No. STKN-92-5
Pre-Review Committee File No. 1664**

CLAIRE CAPELL-KENNEDY, Company Member
Stockton Division
Local Investigating Committee

BOB GIBBS, Union Member
Stockton Division
Local Investigating Committee

Subject of the Grievance

This case concerns the discharge of an Unassigned Equipment Mechanic for theft of Company property and falsification of Company records.

Facts of the Case

The grievant is an Unassigned Equipment Mechanic in the Stockton headquarters. In August 1991, local supervision became suspicious that the grievant was ordering parts for Company vehicles that did not fit the identified vehicles. A subsequent investigation identified the following 4 vehicles that the Company determined the grievant had ordered parts for, but had not installed.

Chevy S-10 Pickup (Vehicle 8-9706) - Grievant allegedly ordered and installed brakes and bearings too large for vehicle. Ordered parts fit a 3/4 ton truck.

Ford Ranger (Vehicle 8-7301) - Grievant allegedly ordered and installed brakes and tie rods too large for vehicle. Ordered parts fit a 3/4 ton truck and not a Ford Ranger. Additionally, the Ford Ranger had new brakes and tie rods installed only 3 months earlier. There is no record of the grievant working on the vehicle after the tie rods were ordered and received.

GMC S-15 Pickup (Vehicle 8-0077) - Grievant allegedly ordered and installed seals too large for vehicle. Ordered parts fit a 4x4 truck.

Gas Tapping Truck (Vehicle 4-3109) - Grievant special ordered and allegedly installed bearings, races, and seals on vehicle that do not fit the vehicle. There is no record of the grievant working on the vehicle after taking possession of the parts and the parts cannot be located.

The grievant denied any wrongdoing and indicated that each incident was the result of either he or the parts clerk writing down the wrong parts number.

Discussion:

The Union argued that the evidence against the grievant is largely circumstantial and that there is no specific evidence to support the Company's position that the grievant stole the parts in question.

The Company noted that on at least four occasions in a 2 1/2 month period, the grievant ordered parts that did not fit the application for which they were intended and on two occasions the grievant did not work on the vehicles after the parts had been ordered and received. The Company opined that the employee's discharge for theft was just based on the preponderance of evidence.

Decision:

The Pre-Review Committee determined that the totality of the evidence, and specifically the evidence surrounding the Gas Tapping Truck, supports the grievant's discharge. The specific evidence involving the Gas Tapping Truck included the fact that the grievant made a special parts order, took possession of the parts from the parts clerk, that he did not log any additional time working on the vehicle, and did not return the ordered parts to stock.

This case is closed on the basis of the above and such closure should be so noted by the Local Investigating Committee.



Rick R. Doering
Chairman
Review Committee

Date: 7/29/93



Roger W. Stalcup
Secretary
Review Committee

Date: 7/20/93