

RECEIVED JUN 09 1994



REVIEW COMMITTEE

IBEW



PACIFIC GAS AND ELECTRIC COMPANY
201 MISSION STREET, ROOM 1508
MAIL CODE P15B
P.O. BOX 770000
SAN FRANCISCO, CALIFORNIA 94177
(415) 973-8510

**CASE CLOSED
FILED & LOGGED
JUN 09 1994**

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W.
P.O. BOX 4790
WALNUT CREEK, CALIFORNIA 94596
(510) 933-6060
R.W. STALCUP, SECRETARY

RICK R. DOERING, CHAIRMAN

- ☐ DECISION
- ☐ LETTER DECISION
- ☐ PRE-REVIEW REFERRAL

**San Jose Division Grievance No. SJO-93-10
P-RC 1720**

SUBJECT OF THE GRIEVANCE

This case concerns the termination of an Electric Crew Foreman for energy diversion.

FACTS OF THE CASE:

The grievant was employed on July 20, 1966, and terminated effective January 20, 1993. On October 12, 1992, the Company was advised by an agent of the San Benito County Unified Narcotics Enforcement Team (UNET) that they had conducted a search of the grievant's property and found materials that allegedly belonged to the Company. They also discovered that the meter seals were missing from both the residential and agricultural pump electric meters located on the property.

On October 13, 1992, a representative from Corporate Security, the grievant's supervisor, and a Shop Steward inspected the grievant's property for Company material; none was found. During the inspection, a Revenue Protection Representative arrived and examined the residential meter. He found a shiny, newly attached meter seal that had been crimped with wire cutters; the inner seal was missing; and the retaining ring had significant wear. He also examined the agricultural pump meter and found that it also had a shiny newly attached seal in place. The Revenue Protection Representative replaced both meters.

A review of the grievant's residential electric usage pattern indicated that from 1980 to 1983 the average daily usage was 33 kilowatts; from 1984 through November of 1991 the average daily usage was 20 kilowatts; and from December of 1991 to October 13 1992, the average daily usage was 12 kilowatts. On November 25, 1992, the grievant's residential meter was read at 2554 kilowatts, which represents an average usage of 59 kilowatts per day. This reflected an increase in consumption of 450% since the installation of the new meter.

The grievant denied that he had tampered with his meter or that he ever had any Company material on his property. According to the grievant, the increase in electric usage could be attributed to the fact that on October 1, 1992, he leased his barn and several pieces of equipment were added to the electric load. During the Security Department investigation the grievant stated that he removed the residential meter on two occasions and the agricultural meter once. At the LIC, the grievant testified that he removed the residential meter four or five times and the agricultural meter approximately thirty times.

DISCUSSION:

The Pre-Review Committee discussed the facts of this case noting that the evidence supporting the finding that the grievant was diverting energy was largely circumstantial. The Committee agreed that the grievant did not provide a plausible explanation as to why there was such a dramatic increase in energy usage once the residential meter was changed and once he came under the scrutiny of the Security Department the Committee found that the grievant's explanation of the dramatic increase in energy usage that occurred once the meter was changed is not plausible. According to the grievant, the usage increased due to the added load however this would only be reflected in the agricultural meter read, not the residential meter read. Further, the grievant's credibility is highly suspect since his account of the number of times he removed both meters also increased dramatically from the time the initial investigation was held until the time the LIC meeting was held.

The Committee concluded that based on the energy usage pattern, coupled with the account of the condition of the meters provided by the UNET agents, the termination was for just cause.

DECISION:

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



JOHN A. MOFFAT, Acting
Chairman, Review Committee

6/9/94

Date



ROGER STALCUP, Secretary
Review Committee

6/6/94

Date