



## REVIEW COMMITTEE

RECEIVED DEC 27 1995

**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**

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

MARGARET A. SHORT, CHAIRMAN

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

East Bay Grievance No. OAK-95-1  
Fact Finding Committee File No. 6186-95-203  
Pre-Review Committee File No. 2032

**COLLINS ARENGO**  
Company Member  
Local Investigating Committee

**JANE BRUNNER**  
Union Member  
Local Investigating Committee

### Subject of the Grievance

This case concerns the discharge of a Sr. Meter Reader for violating Standard Practice 735.6-1, Employee Conduct.

### Facts of the Case

The grievant worked on Saturday, November 19, 1994 until 3:30 p.m. He normally takes a bus home which departs a bus stop near the headquarters at 5:00 p.m. Because he did not feel well, he fell asleep and didn't awake until about 5:10. Thinking he had missed the bus, he attempted to call his god-daughter for a ride. Her telephone continued to be busy until 6:45 p.m. so he decided to take a company car and drive the 4 to 6 blocks to her home. His plan was to have his god-daughter follow him back to the service center, drop off the company car, then ride in the god-daughter's car home.

The grievant stated he had money but did not think of taking a cab and he didn't want to walk as it was a dangerous neighborhood.

When he arrived at his god-daughter's apartment building, he was approached by a stranger who offered him some firewood. He agreed to pay \$10 for some. There is a retail firewood business adjacent to the apartment complex. The grievant then went to the god-daughter's apartment. She agreed to meet him at the service center. His plan was to load the wood into the company car, drive to the service center and then transfer the wood to the god-daughter's car or just unload it at the service center.

When he returned to the car, there were two strangers standing there with the firewood. The three of them loaded the firewood into the trunk and several logs into the back seat. As the grievant only had a \$20 bill and the two men did not trust him to return with the \$10, the grievant agreed to allow the strangers to ride to the store with him to get change.

Within a block the grievant was pulled over by the police and cited for petty theft and released. The other two men were determined to be homeless and released. The grievant was not allowed to drive the company car any further. The police notified the company to pick up the vehicle.

The grievant then walked home, taking him about 3 1/2 hours.

The grievant had an active Written Reminder issued August 11, 1994 about three months before this incident. The Written Reminder was for conducting personal business without prior permission in a company vehicle without authorization for approximately three hours and ten minutes. He had spent the time driving back and forth between his new residence and his girlfriend's workplace, attempting to obtain a key from her that would allow entry to his new residence so he could get his clothes. This activity violated the Sr. Meter Reader Responsibility Summary, Items A3, A4, A10, and A11.

### Discussion

In discussing this case at the Local Investigating Committee level, company took the position that the discharge was for just and sufficient cause since in giving the Written Reminder, the Oral Reminder step was skipped that in order to be consistent it was appropriate to discharge the grievant and skip the Decision Making Leave step. The Union strongly disagreed that this was an appropriate reason to sustain a discharge. At the P-RC, the company agreed with the Union on this point but also indicated that there have been many cases upheld in the grievance procedure where disciplinary steps have been bypassed. This usually occurs when the reason for the discipline falls into the conduct category, as in this case.

Next the P-RC discussed the grievant's lack of credibility citing:

- ♦ his god-daughter's home was close, walking distance
- ♦ he had money and could have taken a cab
- ♦ he wasn't too ill to negotiate for firewood
- ♦ he was afraid of the dangerous area yet let two strangers in the car with him
- ♦ he planned to transport the firewood back to the service center when it could have been put in the god-daughter's car right
- ♦ then the amount of firewood described would cost significantly more than \$10
- ♦ he walked 3 1/2 hours home rather than returning to his god-daughter's house which was within the block

Lastly, the P-RC noted the short period of time between the Written Reminder, which was for an incident of a similarly nature, and the incident giving rise to the discharge.

### Decision

Based on all of the foregoing, the P-RC is in agreement that the facts of this case establish just and sufficient cause for discharge and that bypassing the DML step of the disciplinary process was appropriate in this case.

This case is closed without adjustment.

*Margaret A. Short*

Margaret A. Short, Chairman  
Review Committee

*12/22/95*

Date

*Roger W. Stalcup*

Roger W. Stalcup, Secretary  
Review Committee

*12/21/95*

Date