



REVIEW COMMITTEE



IBEW

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**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
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R.W. STALCUP, SECRETARY

MARGARET A. SHORT, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

North Bay Division Grievance Nos. SNR-95-01, SNR-95-17
Fact Finding Committee Nos. 6322-96-33, 6309-96-020
Pre-Review Committee File Nos. 2056 & 2057

PAMELA BENITEZ
Company Member
Local Investigating Company

LARRY PIERCE
Union Member
Local Investigating Company

SUBJECT OF THE GRIEVANCES

These cases concern the Decision Making Leave (DML) and discharge of a Service Representative from the Vallejo office. In October, 1994, the grievant accessed her personal account record and granted herself a credit extension, promising to make a payment on the account by October 21, 1994. No payment was made. The grievant acknowledge that she had previously been advised by a supervisor that "it was not okay to grant yourself an extension." In November, 1994, the Credit Center issued a shut-off notice. When advised of the shut-off notice by another CSR, The grievant advised the CSR to "cancel the tag for me and I'll take care of it." Again, no payment was made. The DML was issued January 12, 1995 for entering her own utility account to input information thereby granting herself credit extensions, and instructing another employee to cancel a shut off notice on this account. The discharge effective March 24, 1995 resulted from continued attendance related problems.

FACTS OF THE CASE

The grievant's disciplinary record was as follows:

10/4/94	ORAL REMINDER	ATTENDANCE
12/7/94	WRITTEN REMINDER	ATTENDANCE
12/21/94	COACHING & COUNSELING	WORK PERFORMANCE
1/17/95	DML	CONDUCT
2/27/95	COACHING & COUNSELING	ATTENDANCE (Tardiness; no call-no show)
2/28/95	COACHING & COUNSELING	ATTENDANCE (Tardy)
3/3/95	COACHING & COUNSELING	ATTENDANCE (Tardy)
3/24/95	DISCHARGE	ATTENDANCE (No call-no show)

As noted above, there were numerous coaching and counseling sessions concerning attendance and one concerning work performance, following the Written Reminder issued on 12/7/94. The grievant had 22 years of service at the time of discharge.

Following the WR on December 7, 1994, which was grieved and determined to be for just cause by the Fact Finding Committee, the grievant's attendance record did not improve to an acceptable level. It was as follows:

Jan 3, 1995	Tues.(following NY Holiday)	late
Jan 4	Wed	sick - 15 minutes
Jan 5	Thurs	late - 15 minutes
Jan 9	Mon	vacation
Jan 10	Tues	vacation
Jan 11	Wed	sick - 15 minutes
Jan 12	Thurs	DML
Jan 16	Mon	MLK Holiday
Jan 17-20	Tues-Fri	vacation
Jan 23	Mon	vacation
Feb 7	Tues	sick - 5 1/2 hours
Feb 8	Wed	sick - 1 3/4 hours
Feb 13	Mon	sick - 1 1/2 hours; vacation 1 1/2 hours
Feb 17	Fri	funeral
Feb 22	Wed	vacation - 4 hours
Feb 24	Fri	no call; no show - 2 hours
Feb 28	Tues	late - 16 minutes
March 2	Thurs	late - 15 minutes
March 3	Fri	late - 10 minutes
March 7	Tues	vacation
March 8	Wed	vacation - 1 hour
March 13	Mon	sick
March 14	Tues	vacation - 4 hours
March 15	Wed	sick - 1 3/4 hours
March 16	Thurs	sick
March 23	Thurs	vacation - 5 hours
March 24	Fri	no call; show 3 hours late

DISCUSSION

The Pre-Review Committee discussed at length the issues around employees entering their own, relatives', and friends' accounts to alter records, grant extensions, or in any way service these accounts. In May 1995, after the incidents leading to this DML, the Company communicated its policy prohibiting such activity by employees. However, the grievant in this case had previously been told by a former supervisor that she was not to enter her own account. She acknowledged this prior warning.

The Pre-Review Committee is in agreement that discipline was in order but did disagree on the level. The Union is strongly of the opinion that the DML was too severe, particularly since another employee who engaged in virtually identical activity received an Oral Reminder. Company believes strongly also that such activity is a serious transgression of the employment relationship by taking advantage of one's position to gain personal benefit or to benefit a relative or friend and as such warrants severe discipline up to and including discharge. However, the PRC did not need to resolve the question of level as the above attendance record is sufficient standing alone to sustain the discharge.

The PRC is in agreement that had the DML not occurred on January 12, in all likelihood it would have occurred on February 27, 1995, when a coaching and counseling was given following the tardies of January 3, 5, and February 24. A coaching and counseling took place on March 17 for absences on March 13 and 16. Then followed two more tardies on February 28, March 3, and the final incident on March 24, 1995, a no call-no show, resulting in the termination.

DECISION

Irrespective of the parties position relative to the level of discipline for the grievant having entered her personal account record and granting herself an extension and instructing another employee to cancel a shut-off for non-payment, the discharge was for just and sufficient cause, based on a continued unacceptable attendance/tardiness/no call-no show record.



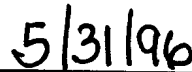
Margaret A. Short, Chairman
Review Committee



Date



Roger W. Stalcup, Secretary
Review Committee



Date