



# REVIEW COMMITTEE



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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

**Fresno Grievance No. FRO-97-029  
Fact Finding File No. 6559  
Pre-Review Committee Case No. 2124**

**Fresno Grievance No. FRO-97-030  
Fact Finding File No. 6560  
Pre-Review Committee Case No. 2125**

**MONICA OAKES**  
Company Member  
Local Investigating Committee

**JIM LYNN**  
Union Member  
Local Investigating Committee

### Subject of the Grievances

These cases involve the demotion and Decision Making Leaves (DML) issued to two Gas Crew Foremen for the theft of a trailer hitch from a company vehicle.

### Fact of the Case

The Grievant (A) in P-RC 2124 had twenty seven years of service and no active disciplinary action, while the Grievant (B) in P-RC 2125 had twenty four years of service and no active disciplinary action. Both Grievants were issued a DML and demoted from Gas Crew Foreman to Fitter for their involvement in stealing a trailer hitch from a company vehicle.

Prior to March 12, 1997, the Grievants had a conversation in which Grievant B stated that he was going to build a trailer hitch for his son's pickup. Grievant A stated that his company vehicle was not going to run much longer and the company would be sending the vehicle to auction. Grievant A made the suggestion to Grievant B that he should take the trailer hitch from Grievant A's company vehicle. During the investigation, Grievant A admitted that no one had told him that the vehicle was going to auction. He just assumed it. In addition, in the LIC Report Grievant A stated that the trailer hitch was bent/defective and therefore was a safety hazard and since the vehicle was on 'F'

status, the garage refused to repair or remove the hitch. Furthermore, Grievant A stated that, "if you can't get the garage to fix something on a company vehicle, then employees just do it themselves". It was determined during the LIC that "F" status denoted that a vehicle was still serviceable but scheduled to be replaced. The LIC Report also stated that there was no evidence to indicate that the trailer hitch was bent/defective or was a safety hazard. There was also no evidence that Grievant A had turned in a service request to the Garage about the trailer hitch on his truck.

On March 12, 1997, Grievant A drove his company truck to the work site at which Grievant B was working and backed his vehicle parallel to Grievant's B crew truck. Grievant B then took the cutting torch from his crew truck and cut the trailer hitch from the vehicle. During the investigation, one of the crew members stated that Grievant A had walked out to be a "decoy" while the other Grievant B used the cutting torch to remove the hitch. In addition, another crew member stated that he told Grievant B not to steal the hitch. Both Grievants stated during the investigation that they did not ask anyone's permission to take the hitch and recognized that they were stealing company property.

Discussion:

The Pre-Review noted from the outset, the issuance of the DML to both Grievants had been agreed to at the Fact Finding Committee. As a result, the issue before Pre-Review Committee was whether or not the demotion of the Grievants from Gas Crew Foreman to Fitter was for just and sufficient cause.


The Committee reviewed Arbitration Case 107 in which a Light Crew Foreman was given a ten-day disciplinary suspension and was demoted from Light Crew Foreman to Fitter for allowing his crew to violate company policy in regards to congregating. The Arbitrator upheld the disciplinary suspension and demotion by stating in part that the supervision of the crew is the Crew Foreman's responsibility.

The Pre-Review discussed the fact that Crew Foreman are expected to set an example for those they supervise and therefore are held to a higher standard. The Committee agreed that by stealing the trailer hitch, Grievants failed to maintain that level of responsibility required for those in this lead classification. The Committee also noted that the Grievants stole the trailer hitch while in the presence of their crew members which they supervise.

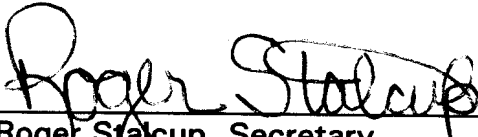
Decision:

Based on the facts of this case and in light of Arbitration 107, the Pre-Review Committee agrees that the demotion of the Grievants from the classification of Gas Crew Foreman to the classification of Fitter was for just and sufficient cause.

This case is closed without adjustment.

  
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Margaret A. Short, Chairman  
Review Committee

2/26/98  
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Date

  
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Roger Stalcup, Secretary  
Review Committee

2/26/98  
\_\_\_\_\_  
Date