



**Pacific Gas and  
Electric Company™**

# REVIEW COMMITTEE



**IBEW**

PACIFIC GAS AND ELECTRIC COMPANY  
2850 SHADELANDS DRIVE, SUITE 100  
WALNUT CREEK, CALIFORNIA 94598  
(510) 974-4282

RECEIVED  
OCT. 14 1999  
**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) 933-8060  
PERRY ZIMMERMAN, SECRETARY

MARGARET A. SHORT, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

Fresno Division Grievance No. GSV-98-19  
Fact Finding No. 6824-98-199

Fresno Division Grievance No. GSV-98-20  
Fact Finding No. 6825-98-200  
**Pre-Review Committee Case No. 2226**

DAN NEALON  
Company Member  
Local Investigating Committee

JIM LYNN  
Union Member  
Local Investigating Committee

### Subject of the Grievance

These cases involve the Company's rescission of a contingent offer of regular employment and termination of a Hiring Hall employee based on information determined during background reference checks conducted in the employment process.

### Facts of the Case

The grievant was hired as a Hiring Hall Materials Handler on May 12, 1997. In April 1998, the grievant passed the Pre-employment Test and received a contingent offer of employment for a regular Materials Handler position. This offer of employment was contingent upon a verification of the content of the grievant's completed Job History Summary Form, background reference checks, and the pre-employment drug screen. The grievant continued to work in the Hiring Hall until the results the background check were known.

The results of the background check revealed a reckless driving conviction which the grievant failed to list on the completed Job History Summary Form that occurred in April 1995. The grievant was placed on three months probation. In addition, the background check revealed the grievant had not yet earned enough credits to receive an AA degree which the grievant indicated on the Job History Summary Form he had received. Based on this information, the grievant's contingent offer of regular employment was rescinded and the grievant was discharged and returned to the Hiring Hall without a 12 month letter on May 11, 1998. The grievant was marked as eligible for rehire.

In the LIC report, the grievant testified that he did not believe that reckless driving was considered a criminal offense and therefore did not list it on the Job History Summary Form. In addition, the grievant stated that he believed he had enough credits to graduate with a AA degree but had not yet applied for the degree.

Discussion:

The Company argued that the action of discharging the grievant was appropriate in accordance with PRC 2167 and PRC 2168. The basis of these decisions relied on language provided by the Arbitrator in Arbitration Case 223 in ruling on the issue that former employees may be barred from employment consistent with Company's employment policies. The Arbitrator in this case stated in part:

"Although Company has agreed to accept most hiring hall referrals without background checks, it is not precluded from taking action when it discovers a temporary employee has a history that precludes continued employment. This has certainly been true where pre-employment criminal activity has been discovered...". The grievant's personal history made him unsuitable for employment as a temporary hire and the Company had just cause to terminate his services."

In regards to the issue of rescinding the grievant's contingent offer of employment, the Company opines that this is not a proper subject of the grievance procedure.

The Union argued that the grievant possessed a valid driver's license at the time of his discharge and that the grievant's probation for reckless driving has been expired for almost three years. In addition, the Union believes that local supervision's belief of potential liability on the part of the grievant operating Company equipment due to past vehicular offenses is without merit as the grievant would only be responsible for operating a forklift on Company property. In regards to the issue of the grievant failing to list the aforementioned items on the Job History Summary Form, the Union argued that the grievant had reported all information on the form accurately with no willful intent on the part of the grievant to misrepresent the facts or deceive the Company.

Decision

The PRC agrees that the issue of rescinding the offer of employment is not a proper subject for the grievance procedure.

The Pre-Review Committee agreed that the termination of the grievant from the Hiring Hall was consistent with prior precedent decisions. The Committee discussed the fact that this grievances arose at the same time that PRC 2167 and PRC 2168 were being discussed and as such would have been settled in the same manner. Therefore, given the fact that the grievant at this point in time meets the Company's employment criteria, the grievant may be considered for employment.

On the basis of the foregoing, these cases are considered closed.

Margaret A. Short  
Margaret A. Short, Chairman  
Review Committee

10/13/99  
Date

Perry Zimmerman  
Perry Zimmerman, Secretary  
Review Committee

10-13-99  
Date