



**Pacific Gas and
Electric Company™**

REVIEW COMMITTEE



IBEW

PACIFIC GAS AND ELECTRIC COMPANY
2850 SHADELANDS DRIVE, SUITE 100
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RECEIVED
DEC. 23, 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
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PERRY ZIMMERMAN, SECRETARY

MARGARET A. SHORT, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

San Francisco Case No. SFO-99-30
Fact Finding No. 7054-99-212
Pre-Review Committee No. 2244

CAROL QUINNEY
Company Member
Local Investigating Committee

HUNTER STERN
Union Member
Local Investigating Committee

Subject of the Grievance

This case concerns the discharge of a Meter Reader for inappropriate behavior at a customer's home, looking into the bathroom/bedroom areas while reading the meters.

Facts of the Case

On July 29, 1999 a customer observed the grievant in her backyard peering over the top of her deck. The view from this point is into her bathroom/bedroom area. When she made eye contact with the grievant, he left. The customer, who is a judge, then called police. When they arrived, she signed a citizen's arrest warrant alleging violation of penal code 647(a), disorderly conduct (peeping tom). The grievant was arrested before leaving the immediate neighborhood.

In December 1998, this same Meter Reader had an encounter with this same customer while reading her meters. The customer's meters are located on either side of her house. There are entry gates on both sides for access. On this date, the customer wrapped in a towel was exiting her shower when she noticed the Meter Reader walking across her back deck. She stopped him and told him to enter the front gate, read the meter, exit that gate, walk around the front of the house, enter the second gate, read the second meter, then exit that gate. Under no circumstances should he be in the backyard or on her deck.

The grievant acknowledges this encounter and instruction by the customer, but neglected to input the information into the hand-held device or to communicate the instruction to anyone else to input. The grievant continued to read this account during the months between December 1998 and July 1999.

On July 28, 1999 the supervisor made contact with another customer who complained about the grievant's behavior. This customer stated she was exercising in her bedroom and because she was dressed in her underwear, she had pulled the blinds down almost to the bottom of the window which is above the gas meter. While exercising she noticed the grievant crouched down below the window looking up at her. When they made eye contact, the Meter Reader left to go read the electric meter which is inside a locked tool room. When the grievant knocked on her door to gain access to the tool room, she did not answer the door. The customer also indicated the grievant had been over friendly in the past, calling her "honey or sweetie".

The grievant had approximately 4 ½ years of service and no active discipline at the time of discharge.

Discussion

Company believes the discharge was for just and sufficient cause. The grievant had been specifically instructed by this customer as to how she wanted her meters read and he failed to honor that request. The Company places a high value on providing excellent customer service and on avoiding any activity that would reflect negatively on the Company's image. Customer contact employees are held to a high standard when interacting with customers. The grievant in this case has had three similar incidents within a relatively short period of time that have been reported. As with the December 1998 incident, which was not initially reported to the customer, there may be other incidents that have gone unreported. The allegations are serious transgressions.

Union opined that the termination letter appears to indicate the reason for the discharge was that the grievant was arrested for violating the penal code which at the time of the LIC and Fact Finding was not a conviction. Further, Union opined that the grievant should not be terminated for failing to enter the customer's request in the meter device or for simply forgetting not to go into the customer's backyard.

Company responded that the grievant was not discharged because of the arrest, but based on his behavior. Complaints of this nature against Meter Readers do not always result in criminal charges. Other employees have been disciplined and discharged for inappropriate behavior at customer premises even when law enforcement is not involved. Further, the Company cited Arbitration 54 which upheld the discharge of a Meter Reader for similar behavior.

Following referral of this case to the Pre-Review Committee, the grievant pled no lo contendre to the charges of violating penal code 132.6, sexual battery and peeping tom. He is to be sentenced in the near future. He was ordered by the court to stay away from the victim.

DECISION

Based on the facts of this case the PRC agrees the discharge was for just and sufficient cause. This case is closed without adjustment.

Margaret Short

Margaret A. Short, Chairman
Review Committee

12/22/99

Date

Perry Zimmerman

Perry Zimmerman, Secretary
Review Committee

12-22-99

Date