



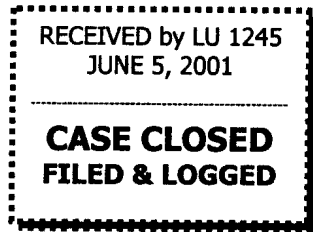
## REVIEW COMMITTEE



PACIFIC GAS AND ELECTRIC COMPANY  
2850 SHADELANDS DRIVE, SUITE 100  
WALNUT CREEK, CALIFORNIA 94598  
(925) 974-4282

MARGARET A. SHORT, CHAIRMAN

DECISION  
LETTER DECISION  
PRE-REVIEW REFERRAL



INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS, AFL-CIO  
LOCAL UNION 1245, I.B.E.W.  
P.O. BOX 4790  
WALNUT CREEK, CALIFORNIA 94596  
(925) 933-6060  
SALIM A. TAMIMI, SECRETARY

### Pre-Review Committee No. 12150 Sierra Hydro Generation - Spaulding Powerhouse

Dawn Schmidt  
Company Member  
Local Investigating Committee

Phil Carter  
Union Member  
Local Investigating Committee

#### Subject of the Grievance

This case concerns the discharge of a Water Systems Operator for giving a Company key to non-employees, which allowed them to gain access to Company property for the purpose of camping.

#### Facts of the Case

At a June 14, 2000 safety meeting, a presentation was made by a representative from the Department of Forestry. She discussed problems in the area with illegal camping, fires, and garbage. She asked employees to keep an eye on the area and for their help and cooperation.

On July 5, 2000 the Supervisor held a safety tailboard to discuss a fire that occurred on July 3. It was started by trespassers who cut the lock from the gate to enter the property. As a result, the Supervisor indicated the locks would be changed. A number one lock and a weld tab to prevent people from cutting the lock were installed. He told the crew to make sure the gate stayed locked and people kept out.

The grievant was in attendance at both of these meetings. The Shop Steward confirms the instructions of the July 5<sup>th</sup> meeting.

On August 31, 2000 a Building and Land Department Project Analyst drove past the area and noticed several vehicles (non-Company) stopped at the locked gate. Later that day she returned to the area with a Department of Forestry employee. They observed the gate to be unlocked. Continuing onto the property, they found four people and their vehicles on Company property. They also found four tents set up. The group indicated they gained access by using a key that had been given to them by the grievant. The campers were requested to leave and did; the key they used was retrieved. The grievant admits giving the key to the third party.

The grievant had an active Written Reminder in the conduct category, at the time of discharge, for being insubordinate in not reporting for work on December 31, 1999 (Y2K duty), refusing to discuss the matter upon return to work and for an unauthorized absence on December 30, 1999.

The grievant did not attend either of the LIC meetings. He completed and returned retirement application forms and has been pensioned since November 1, 2000.

Discussion

The Union argued that this group of campers had been coming to this area for ten years and had never caused problems. In fact, they cleaned up the area of trash and graffiti. Further, Union opined that termination bypassing the DML step was too severe a penalty for this long service employee, 32 years.

Company responded that the grievant exhibited a blatant disregard for the clear instruction he and others were given. There were business-based reasons for the rule to keep third parties off Company property, which is also regulated by the Department of Forestry. The reasons had been explained to the employees in two prior meetings shortly before the grievant chose to give the key to his friends. This insubordinate act occurred even while on an active Written Reminder for another instance of insubordination.

Further, PRC 2032 and other precedent decisions recognize that Company need not go through each step of PD prior to discharge.

The Pre-Review Committee is in agreement that the grievant violated a clearly communicated rule and exposed the Company and its property to potential liability and damage.

Decision

The discharge was for just and sufficient cause. This case is closed without adjustment.

*Margaret A. Short*

Margaret A. Short, Chairman  
Review Committee

6/5/01

Date

*Sam A. Tamimi*

Sam Tamimi, Secretary  
Review Committee

6-5-01

Date