

7.1: DML given to an Electrician for having inappropriate and pornographic photographs on the Co. computer is for just and sufficient cause.



REVIEW COMMITTEE

IBEW



PACIFIC GAS AND ELECTRIC COMPANY
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RECEIVED by LU 1245
November 17, 2005

CASE CLOSED
FILED & LOGGED

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W.
P.O. BOX 2547
VACAVILLE, CALIFORNIA 95696
(707) 452-2700
SALIM A. TAMIMI, SECRETARY

MARGARET A. SHORT, CHAIRMAN
DECISION
LETTER DECISION
PRE-REVIEW REFERRAL

Pre-Review Committee No. 15935 OM&C – Electric Substation Maintenance – Gates Substation

Idalina Calhoun
Company Member
Local Investigating Committee

Ed Dwyer
Union Member
Local Investigating Committee

Subject of the Grievance

This case concerns a Decision Making Leave (DML) given an Electrician for, having inappropriate and pornographic photographs on the Company computer.

Facts of the Case

An anonymous phone call to the Compliance and Ethics Hotline indicated the grievant was observed viewing pornographic pictures on a Company computer on Company property on Company time on two specific dates.

When interviewed by Corporate Security, the grievant stated he was called out on a Sunday to respond to an alarm at the substation. He brought his wife with him; she waited in the office while he responded to the alarm. When he returned to the office, she "flashed" him and things progressed from there. His wife disrobed and he took pictures, with his Company camera cell phone, of her wearing only a hard hat. He later sent the pictures from the cell phone to the Company computer.

Security's review of the grievant's email and P Drive revealed numerous other pornographic pictures. The grievant admitted to sending some of these photos another employee on Company time.

Discussion

At the outset, the Pre-Review Committee is in agreement that pornographic material is inappropriate in the workplace and that discipline is appropriate. The PRC reviewed portions of a DVD with photos saved from the grievant's computer and agreed they were inappropriate for the workplace.

Union initially argued that DML was too severe for a long service employee with no active discipline, that other employees had received less discipline for a first offense.

Company responded that DML was appropriate because in addition to downloading and sending the inappropriate pictures, he brought an unauthorized person on Company property, engaged in non-productive and inappropriate activities while at work, misused used his cell phone and computer all on double time.

Decision

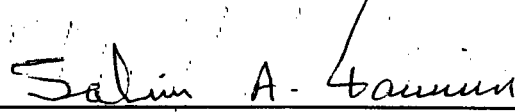
The DML was for just and sufficient cause. This case is closed without adjustment



Margaret A. Short, Chairman
Review Committee

11/17/05

Date



Sam Tamimi, Secretary
Review Committee

11-17-05

Date