



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

RECEIVED by LU 1245
February 21, 2008

CASE CLOSED
FILED & LOGGED

IBEW



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

Pre-Review Committee No. 16784
Energy Delivery – Gas T&D - San Rafael

Carol Quinney
Company Member
Local Investigating Committee

Joe Osterlund
Union Member
Local Investigating Committee

Subject of the Grievance

This case concerns the discharge of a long service Measurement and Control Mechanic for submitting to Company a falsified court order for withdrawing funds from his 401K account.

Facts of the Case

In October 2005 the grievant submitted to the Company a court order to withdraw money from his 401K account as part of a divorce settlement. In November he withdrew \$47,500 and another \$20,000 in February 2006 for a total of \$67,500. Later, the Company learned the original court order was for \$7,500 and the grievant altered it by adding the number 6 in front to make it appear the order was for \$67,500.

Prior to the 401K withdrawal, the grievant had a positive DOT test and was off work to comply with those requirements when the falsification discovery was made. The grievant did not return to work prior to his discharge, and had no active discipline.

Discussion

At the outset, Union wanted to understand why the Company would terminate the employee for something that appears to be between the court, the employee, and the soon to be ex-spouse. Union does not support the grievant's actions in altering a court document, but doesn't see the harm to the Company since it was the grievant's money anyway.

Company responded that it is responsible for managing the Savings Fund Plan, which is a federally qualified plan under ERISA (Employee Retirement Income Security Act of 1974). As such, Company has the responsibility to protect the assets and must comply with certain

rules regarding allocation of funds and taxes. When there is a divorce, the Company may become a party to the divorce through a Joinder; a QDRO (Qualified Domestic Relations Order); a subpoena; or a written notice of adverse claim.

By submitting an altered court order, and Company relying on the legitimacy of it, put the Company at risk of distributing funds that were community property.

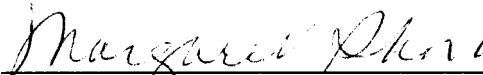
The PRC reviewed the Employee Conduct Summary (USP1) noting:

Employees must not:

- deceive, defraud, or mislead the Company, other employees, or those with whom the Company has business or other relationships.”
- attempt to obtain a personal advantage or benefit due to their association with the Company or by use of the Company's name.

Decision

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



Margaret A. Short, Chairman
Review Committee

10/23/07

Date



Bob Choate, Secretary
Review Committee

10/23/07

Date