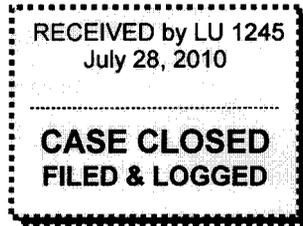




REVIEW COMMITTEE



PACIFIC GAS AND ELECTRIC COMPANY
LABOR RELATIONS DEPARTMENT
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INTERNATIONAL BROTHERHOOD OF
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LOCAL UNION 1245, I.B.E.W.
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JOHN A. MOFFAT, CHAIRMAN
DECISION
LETTER DECISION
PRE-REVIEW REFERRAL

BOB CHOATE, SECRETARY

Pre-Review Committee No. 19512 Energy Delivery – Restoration - Bakersfield

Melanie Curry
Company Member
Local Investigating Committee

Bob Dean
Union Member
Local Investigating Committee

Subject of the Grievance

A Troubleman on an active DML was terminated for his failure to secure his truck bins resulting in the theft of Company tools and equipment.

Facts of the Case

The grievant is a 25 year employee, who was at the time of termination, 8/13/2009, was a Troubleman. The grievant was on an active DML for an auto accident at the time of the incident.

The grievant received a coaching and counseling, on 1/26/2009, for putting a meal on his time card which he did not earn. On 8/13/2009 the grievant was discharged for failure to secure his truck bins resulting in the loss of numerous tools and pieces of equipment.

The supervisor stated that in February of 2009 the policy to secure tools and equipment was reviewed and the grievant was present.

The grievant and another Troubleman were at a local fast food restaurant and parked next to each other the one truck had the bins locked and nothing was stolen and the grievant's truck had tools and equipment stolen. The grievant did not know if the tools were stolen when he was at the restaurant to at his last job site. The approximate value of the stolen goods was \$4000; \$1200 Company property and \$2800 grievant's personal property..

The grievant told the police he lock his bins but told Security Department that he did not lock his bins. The Security Report indicates that the grievant has parked at the same location before without locking his bins and assumed it was safe. He later stated that he does not remember telling Corporate Security that he did not lock his bins.

Discussion

The Union argued that the grievant is a long term employee and that termination is too severe. The Union made several offers to return the grievant back to work but they were rejected. The evidence is not clear that the rule has not been clearly communicated that locking truck bins while working is a policy violation.

The Company argued that the grievant was well aware of the rule to secure the tools by locking the bins. He told Corporate Security that he was aware that the bins should be secured, which he later denied. There is no indication that the bins were broken into at the Jack-In-the-Box., He was coached and counseled for conduct since his DML and the termination is therefore appropriate.

Decision

Given the facts in this case and the grievant was on a DML and was Coached and Counseled which means the grievant was required to follow all Company work rules and standards for a 12 month period, and he failed to maintain his commitment therefore the termination was for just cause.

This case closed without adjustment.



John A. Moffat, Chairman
Review Committee

7/27/10

Date



Bob Choate, Secretary
Review Committee

7/27/10

Date