

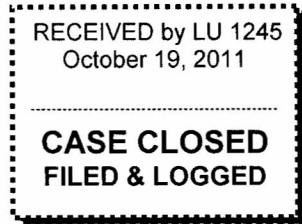


## REVIEW COMMITTEE



PACIFIC GAS AND ELECTRIC COMPANY  
LABOR RELATIONS DEPARTMENT  
MAIL CODE N2Z  
P.O. BOX 770000  
SAN FRANCISCO, CA 94177  
(650) 598-7567

INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS, AFL-CIO  
LOCAL UNION 1245, I.B.E.W.  
P.O. BOX 2547  
VACAVILLE, CALIFORNIA 94696  
(707) 452-2700



DOUG VEADER, CHAIRMAN  
 DECISION  
 LETTER DECISION  
 PRE-REVIEW REFERRAL

ED DWYER, SECRETARY

**Arbitration Number 307**  
**Pre-Review Committee No. 20572**  
**Shared Services – Reprographics – San Francisco**

Michelle Lee  
Company Member  
Local Investigating Committee

Debbie Mazzanti  
Union Member  
Local Investigating Committee

### Subject of the Grievance

This case concerns the discharge of a Reprographics Operator for accessing pornographic material with Company computer resources.

### Facts of the Case

The grievant was a Reprographics Operator with a hire date in April of 1979. At the time of this incident, he had no active Positive Discipline.

A complaint was made by an employee that inappropriate photographs of women were stored on a shared drive which all Reprographics employees could access. A Security Department investigation concluded that the grievant had accessed, downloaded, and saved the photographs using Company computer resources.

During the investigative interview, the grievant acknowledged that he had downloaded and saved images of scantily clad women. He further indicated that he used the Company's Adobe Photoshop program to alter the images. During the Local Investigating Committee, he stated that he downloaded only some of the images, but acknowledged that he knew that what he had done was against Company policy.

In the summer of 2010, the Company updated its Code of Conduct policy. Included in the update was a move to zero tolerance for certain offenses. One of the zero tolerance offenses listed is accessing pornographic material using computer resources. The policy provides that employees who violate one of the zero tolerance policies will be terminated.

The updated Code of Conduct was communicated to employees through PG&E At Work Bulletins on May 11, May 25, and June 8 of 2010. On July 10, 2010, the grievant attended a

training session where the updated Code of Conduct was covered. At that meeting the supervisor described the offenses which would result in discharge and provided copies of the Code of Conduct. Additionally, the log in screen on Company computers was updated to include a reminder that "accessing pornographic or sexually explicit material will result in termination". In order to use a Company computer, all employees, including the grievant, must click the "OK" box acknowledging that they have read and understood the stated rules.

Discussion

The Union argued that discharge is excessive for an employee with 31 years of service and no active Positive Discipline. The Union pointed to prior grievance settlements where employees had been disciplined, not discharged, for far worse offenses.

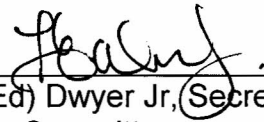
The Company responded that the grievance settlements which the Union presented all pre-date the issuance of the zero tolerance policy. The penalty for violating the Company's prohibition on accessing pornographic material with Company computer resources was changed to termination. This change was extensively communicated to employees before it was implemented.

Decision

The grievant has opted to retire and has signed a Compromise and Release Agreement waiving his rights to pursue this grievance. Based on this, the Committee agrees to close this grievance without prejudice to the positions of the parties.

  
\_\_\_\_\_  
Doug Veader, Chairman  
Review Committee

10/17/11  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
F.E. (Ed) Dwyer Jr, Secretary  
Review Committee

10/17/2011  
\_\_\_\_\_  
Date