



REVIEW COMMITTEE



PACIFIC GAS AND ELECTRIC COMPANY
LABOR RELATIONS DEPARTMENT
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INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W.
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(707) 452-2700

KATHY LEDBETTER, CHAIRPERSON

LLOYD CARGO, SECRETARY

Pre- Review Committee Number 24935 Electric Operations – Field Operations North – Napa

Deanna Frederickson
Company Member
Local Investigating Committee

Mark McCrea
Union Member
Local Investigating Committee

Subject of the Grievance

This case concerns the termination of a Napa Lineman for falsification of time records and misuse of company time.

Facts of the Case

The grievant was terminated in February 2019 following a Company investigation into the grievant's time records. The Company found that he had falsified his timecards on multiple occasions and in excess of 19 hours of overtime. Specifically, the grievant noted he was working on assigned tags when he in fact did not perform any work at some locations and only minimum work at others. He did not even report to many of the identified job sites. Further, much of this work then had to be completed later by other crews resulting in delays to customers and additional cost to the Company. The Grievant was also found to have waited for three hours for a restaurant to open as well as other instances where he did not properly report meal and break periods.

Discussion

The Union argued that as a Lineman on the crew, the grievant was not acting independently during any of the events and was under the direction of his Electric Crew Foreman. The Union also noted that the grievant is a five year employee with no active discipline. Further, the grievant had testified he had not intended to cause any harm or dishonest actions with his timecards and whereabouts.

The Company argued that the grievant is obligated to follow all rules and procedures at the Company. The Company noted that to state that he performed work and had in fact not done so is a clear violation of the Code of Conduct and that he had been provided training the Code of

Conduct on several occasions. Further, the grievant had also received training on completion of timecards which clearly stated it was his responsibility to sign his own timecard and that he was responsible for the accuracy of the information contained in it.

Decision

Based on the specific facts of this case, the parties agreed to an equity settlement. (Attached to this settlement.) The grievant will be reinstated as a Lineman at the Santa Rosa Service Center, with back-pay (reduced by any outside earnings), and with his previous seniority intact. This placement will be subject to prior successful completion of a pre-employment drug and alcohol screening. Upon reporting, the grievant agrees to waive his bid and transfer rights to the Napa Service Center headquarters for a one year period.


He will be placed on a Written Reminder in Conduct for falsification of records and misuse of company time effective the first day of his return, and the Written Reminder will remain active for a period of one year.

The grievant will be credited with the number of vacation hours he would have accrued since the date of termination. He will be credited with 80 hours of sick leave as well as any sick leave forfeited at the time of termination. He will also receive service credit toward the retirement plan and reimbursement for any out of pocket benefits expenses he incurred from the date of his termination to the date of reinstatement.


This case should be considered closed based on the above and without prejudice toward any other cases.

For the Company:

For the Union:

 05/01/2020

Kathy Ledbetter, Chairperson Date
Review Committee

 05/01/2020

Lloyd Cargo, Secretary Date
Review Committee