



REVIEW COMMITTEE

IBEW



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LABOR RELATIONS DEPARTMENT
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INTERNATIONAL BROTHERHOOD OF
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KATHY LEDBETTER, CHAIRPERSON

LLOYD CARGO, SECRETARY

Pre-Review Committee No. 25269 Materials Field Services – Rio Vista

Nathaniel Allen
Company Member
Local Investigating Committee

Keith Hopp
Union Member
Local Investigating Committee

Subject of the Grievance

This case concerns the termination of Materials Leadsperson for falsification of time records, utilization of his company vehicle for commute purposes without permission as well as for arriving late to work and leaving the worksite early without permission on multiple occasions.

Facts of the Case

In September 2019, the Grievant did not report to a meeting with his supervisor at the Rio Vista Materials Facility. During a discussion with the Supervisor the next day, the Grievant stated that he worked at the Antioch Service Center that day and stayed with family in that area the evening before. The Supervisor reminded the Grievant that he should only assist other yards with supervisor permission and that the Company vehicle is not to be taken home or used for personal reasons and must be returned to the Rio Vista facility each day.

After the Supervisor later confirmed through gate access records that the Grievant did not report to Rio Vista at any point the day before, a Corporate Security investigation was initiated. That investigation determined that the Grievant utilized the company vehicle for personal commuting purposes by parking it at the Modesto Pipe Yard near his home in Turlock. Further, the investigation determined that had not reported to a PG&E location on various occasions including overtime assignments. In addition, the investigation found he was either late for work or left early an excessive number of times between March and September 2019.

The Grievant was terminated based on the investigation findings in January 2020. He had no active discipline at the time of termination.

Discussion

The investigation data included over six months of systemwide gate access records and cell phone usage for the Grievant. The cell phone data documented the location of the company cell phone and where calls were made from. The Committee agreed that the gate access card data and phone records documented that the Grievant had not reported to work and had either reported late for work or left work early on multiple occasions. However, he completed timecards on these specific dates as time worked.

The Committee noted that the vehicle location data confirmed the location of the Grievant on the specific days in question.

The Union asserted that the Grievant provided explanations of why he would utilize the company vehicle from Modesto to commute or travel to other locations as needed. The Union also noted that up until the September 2019 time frame, the Company had not discussed or set expectations on this topic.

The Company maintained that Grievant is well aware of expectations to report time accurately and reporting any absence. Further, he was never given permission to commute in a vehicle to the Modesto headquarters or any other location.

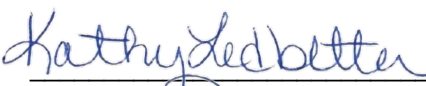
The Committee has addressed falsification of time records in previous cases including PRC 20971 that upheld the termination of a Grievant who had not performed work indicated but falsified time records indicating that he had been working.

Decision


The Company and Union did not agree as to whether or not clear expectations had been provided as to the use of the Company Vehicle for commute purposes. However, the Committee agreed that there was appropriate just cause for termination based upon the Grievant's falsification of time records and excessive number of occasions he either arrived late or left the worksite early without permission on both straight and overtime.

This case is to be considered closed without adjustment based on the above.

For the Company:

 8/26/2021
Kathy Ledbetter, Chairperson Date
Review Committee

For the Union:

 8/25/2021
Lloyd Cargo, Secretary Date
Review Committee