



REVIEW COMMITTEE

IBEW



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.
P.O. BOX 2547
VACAVILLE, CALIFORNIA 94696
(707) 452-2700

KATHY LEDBETTER, CHAIRPERSON

LLOYD CARGO, SECRETARY

Pre-Review Committee No. 25516 Substation – Sacramento

Yvonne Bradley
Company Member
Local Investigating Committee

Todd Wooten
Union Member
Local Investigating Committee

Subject of the Grievance

This case concerns the termination of a GC Painter A for an alleged violation of the Code of Conduct.

Facts of the Cases

In 2018, the Grievant along with several coworkers attended an Initial Asbestos Safety course. The day prior to the final exam, the Grievant observed the exam on the instructor's desk and took photos of the exam. He then texted the photos to at least two other coworkers that day as well. The test given the next day was open book and then immediately reviewed and corrected with the class.

The Company learned of the above incident while the Grievant and others were attending a subsequent course in 2020 and completed an investigation into the incident.

Discussion

The Company maintained that the Grievant took photos of the exam questions and answers and then shared them with coworkers with the intent to help himself and others pass the exam. This can only be construed as cheating. It is irrelevant whether the exam given the next day was open book or not.

The Union opined that while discipline may have been appropriate in this case, termination is too severe given the Grievant received no advantage from do so and given the lack of evidence than any cheating occurred.

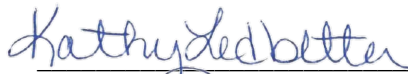
The Committee noted that Arbitration No. 345 upheld the termination of an employee who recorded and took photos of an exam while he was taking the exam and with the intent to use for test improvements. In that case, the Arbitrator noted, "The surreptitious recording of exam questions is tantamount to lying or cheating or stealing."

Decision

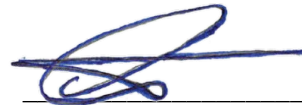
The Pre-Review Committee agreed that while there may not have been a need to use the information, the Grievant took photos of the exam answers and shared with others with the intent to cheat on the exam. The PRC is in agreement that this is a serious conduct violation.

Based on the above and that Arbitration 345 also upheld discharge for a similar issue, the discharge in this case is considered appropriate and for just cause.

For the Company:

 01/11/2022
Kathy Ledbetter, Chairperson Date
Review Committee

For the Union:

 01/11/2022
Lloyd Cargo, Secretary Date
Review Committee