

REVIEW COMMITTEE DECISION

Review Committee File No. 1250
San Francisco Division L.I.C. Grievance No. 2-73-4

Subject of Grievance

The grievant, a T&D Driver with three and a half years of Company service, was discharged on March 6, 1973, after it was discovered he had bypassed the electric meter at his residence. The employee admitted making the connections for the purpose of changing the service to his residence. He further acknowledged to them that the bypass had been in effect for about a month. At the time of the discovery the supervisors were not able to ascertain whether all of the house circuits were connected to the bypass, but a later investigation by the Union indicated at that time that the bypass was to a single outlet, only, which the grievant testified was used to operate a skill-saw that he was using in making repairs to his home.

The correction asked for is that the grievant be reinstated to employment.

Discussion

A review by this Committee of the employee's energy consumption during the period in question tends to substantiate the grievant's contention that he had bypassed only one circuit and, except for the use of the skill-saw, that was the only energy consumed that was not metered. On this assumption, the amount of revenue lost would be small. Despite this, the misconduct here is serious, warranting some severe disciplinary recourse. The question in this case is whether the misconduct is such that it should be the cause of the employee losing his job.

At the outset, a review of his employment record indicates that he is an acceptable worker whose previous service has not been marred by any acts of misconduct or any other incidents derogatory towards his character. Secondly, the act performed was not "on-the-job misconduct", though related to his employment in the sense that his job-acquired skills permitted him to direct the electrical energy from his employer. The latter plays some role in the Committee's decision as opposed to what penalty would be sustained if, for instance, a Company cashier pocketed a roll of nickels from her cash drawer. As to the act itself, bypassing a meter for the purpose of changing the weatherhead is apparently a common practice by electrical contractors and, at least for a moment of time to make the change, necessary. What compounds the wrong here, however, is the fact that the employee did not immediately reconnect the circuit following the change of the weatherhead, but allowed the situation to continue for a period of time unnecessary to the repair itself.

With these factors in mind, the Review Committee believes that while taking energy without paying for it is an act of serious misconduct which in another situation might warrant discharge, that such a heavy penalty is not necessary here to insure that the grievant will not repeat that, or a related offense.

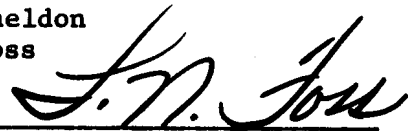
Decision

It is the decision of the Review Committee that the employee will be reinstated without retroactive wage adjustment.

FOR UNION:

W. H. Burr
E. R. Sheldon
L. N. Foss

By



Date

7/16/73

FOR COMPANY::

J. A. Fairchild
H. J. Stefanetti
L. V. Brown

By



Date

7/16/73