



REVIEW COMMITTEE

7.1 -Just cause for discharge
for poor work performance.
Case settled by giving gr
voluntary
severance.



IBEW

PACIFIC GAS AND ELECTRIC COMPANY
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P.O. BOX 770000
SAN FRANCISCO, CALIFORNIA 94177
(415) 973-8510

JUN 10 1994

**CASE CLOSED
LOGGED AND FILED**

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W
P.O. BOX 4790
WALNUT CREEK, CALIFORNIA 94596
(510) 933-6060
R.W. STALCUP, SECRETARY

RICK R. DOERING, CHAIRMAN

RECEIVED JUN - 9 1994

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

Review Committee File No. 1767
Yosemite Grievance No. YOS 92-06

Grievance Issue:

Termination allegedly without just causes of a Senior Service Representative for poor work performance while upgraded to New Business Representative and violating Standard Practice 753.1 and 735.6-1.

Fact of the Case:

A security investigation alledged that the grievant violated both company policy and CPUC tariffs by failing to collect contributions, failing to collect advancements, failing to collect Rule 15B, 15D3 and 16 fees, failing to prepare extension agreements and failing to collect deficiency bills. These violations represented a non-collection of monies totaling approximately \$353,000.

In addition, a subsequent investigation regarding the grievant's conduct, initiated by a Notice of Filing of Discrimination Complaint filed by a co-worker, determined that the grievant participated in creating a hostile environment for the co-worker.

Discussion:

The Company believes that the preponderance of evidence involving poor job performance, resulting in the loss of a substantial amount of money owed to the Company, coupled with the violations of Company Standard Practice Policy regarding both conflicts of interest and employee conduct, clearly support the grievant's discharge.

The Union argued that the evidence provided by the Company fails to substantiate any wrong doing on the part of the grievant. The alleged violations made by the Company were in fact the standard operating practice within the grievant's department and headquarters. This practice was well known by the grievant's supervisor and even the Division Manager.

Furthermore, the evidence shows that similar alleged violations were committed by other management employees, including the grievant's supervisor, with no disciplinary action being taken. As a result, a discriminatory element exists toward the bargaining unit status of the grievant.

In addition, specific allegations in the security report were found to be incorrect which indicates that other inaccuracies probably exist throughout the investigation.

Disposition:

The Committee extensively reviewed the volumes of information in this case and agreed to the following equity settlement without prejudice to either party's position.

The grievant will receive the following payment:

Four weeks pay (base classification at rate at the time of discharge) = 4 weeks
plus one week's pay for each year of service (at the time of discharge) = 24 weeks
(employment date 9/14/67)

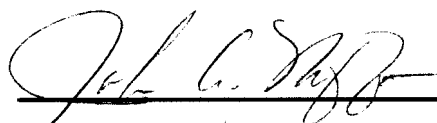
\$746.15 '92 Sr. Service Rep I
28 total weeks

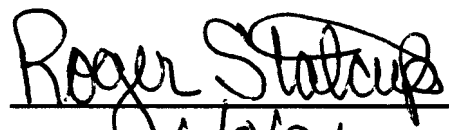
\$20,892.20

This case is closed without further adjustment

FOR COMPANY
William G. McLoughlin
Lawrence F. Womack
Jane K. Yura
Rick R. Doering

FOR UNION
William R. Bouzek, II
Sherrick Slattery
James G. Lynn
Roger W. Stalcup

By: 
Date: 6/9/94

By: 
Date: 6/8/94