

24.1: Emp. was discharged for alleged theft of \$100 cash from customer's payment. Customer later recanted claim of paying \$100 cash. Grievant reinstated with partial backpay, DML..



REVIEW COMMITTEE

IBEW



RECEIVED MAY 18 1997

PACIFIC GAS AND ELECTRIC COMPANY
201 MISSION STREET, ROOM 1508
MAIL CODE P15B
P.O. BOX 770000
SAN FRANCISCO, CALIFORNIA 94177
(415) 973-8510

**CASE CLOSED
FILED & LOGGED**

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

MARGARET A. SHORT, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

East Bay Division Grievance No. OAK-96-05
Fact Finding File No. 6379-96-090
Pre-Review Committee No. 2084
Review Committee Case No. 1804

CATHY PICKETT
Company Member
Local Investigating Committee

LULA WASHINGTON
Union Member
Local Investigating Committee

Subject of the Grievance

This case concerns the discharge of a Utility Clerk, Customer Services, Oakland for violation of Standard Practice 735.6-1.

Facts of the Case

On December 8, 1995 a customer came into the Oakland office and made a payment on her account. The grievant took the payment and receipted the customer's \$200 check and entered that transaction into the LOPP system (Local Office Payment Processing). At the end of the day when the grievant was balancing, he determined he was \$100 short on his checks and identified that he had credited \$100 too much on this customer's account. He corrected the LOPP entry and he balanced for the day.

On December 27, 1995 a friend of the customer came in to the Oakland office to pay \$55.75, what the friend believed to be the remaining amount owing on the account. When told the amount owed was \$155.75 the friend left without paying anything additional on the account. Later that same day, the customer went into the Hayward office with a copy of her receipt indicating she had made a \$200 payment. The customer further indicated she had paid \$100 by check and \$100 cash, five \$20 bills. After some investigation the customer's account was credited with the additional \$100 payment.

The grievant was discharged for taking the \$100 cash. At the time of his discharge, the grievant had an active DML and Written Reminder for having significant cash shortages and failure to properly safeguard company funds. In addition, he'd been disciplined and coached and counseled for inappropriate conduct.

While the grievance concerning the grievant's discharge was being processed, a letter dated September 27, 1996 signed by the customer was received by the Pre-Review Committee. The letter stated the customer had made a mistake and that she only paid \$100 on her bill on December 8, 1995. The letter stated confusion with the telephone bill. A subcommittee of the LIC interviewed the customer and determined she had authored the letter. The customer was also informed that the \$100 credited to her account when she first brought in the \$200 receipt would be reversed. An addendum to the Joint Statement of Facts was signed by the LIC subcommittee November 26, 1996.

Discussion

The case has been discussed exhaustively at every step in the grievance procedure and given that the customer recanted her claim of having made a \$200 payment and the fact that there was a \$100 check, the Review Committee can only conclude that no cash was exchanged or stolen. The committee considered whether or not the grievant had violated any cash balancing procedures and concluded that he had not. However, the Review Committee is in agreement that the grievant did make an error in receipting the customer for \$200 when only \$100 was paid and that this led to a customer complaint and rework.

The committee also noted that employees have been disciplined before for making work performance errors.

DECISION

The Review Committee agrees to the reinstatement of the grievant as a Utility Clerk in Oakland with partial backpay retroactive to November 26, 1996 to May 16, 1997. He is expected to return to work on May 19, 1997. The time between February 26, 1996 and November 25, 1996, will be without back pay but will not be considered as disciplinary time off. The reinstatement is with seniority and benefits intact except that he shall forfeit vacation for the period of February 26, 1996 through November 25, 1996, pursuant to Section 8.5 of the Clerical Agreement.

The grievant will be at the DML level of Positive Discipline for a period of one year from the date he returns to work. The PD Performance Log will note that the grievant has received a post- DML coaching and counseling for the error in issuing an incorrect receipt resulting in a customer complaint and additional work. If, after his return to work any incident occurs which warrants discipline, the grievant will be discharged with redress to the grievance procedure only to determine that the incident occurred.

The grievant will be returned to cash receiving since within a month or so it will be the only work available for the Utility Clerk classification in Oakland.

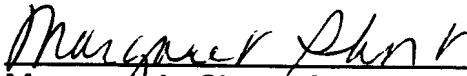
On the basis of the foregoing and the adjustments contained herein, this case is considered closed.

FOR COMPANY:

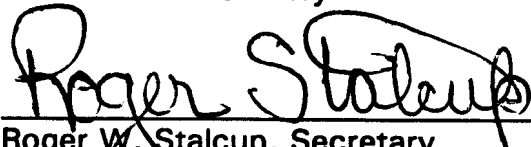
FOR UNION:

Bill Blastic
Rod Maslowski
Bill McLoughlin

Willie Boezak
Jim Lynn
Sherrick Slattery



Margaret A. Short, Chairman
Review Committee



Roger W. Stalcup, Secretary
Review Committee

5/15/97

Date

5/16/97

Date