

7.1: Discharge of Gas Serviceman for mis-use of P-card - allegedly purchased personal items. Grievant reinstated at DML w/o back pay.



REVIEW COMMITTEE



IBEW

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INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
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R.W. STALCUP, SECRETARY

MARGARET A. SHORT, CHAIRMAN

CASE CLOSED
FILED & LOGGED

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

REVIEW COMMITTEE DECISION NO. 1813

MONICA OAKES
Company Member
Local Investigating Committee

JIM LYNN
Union Member
Local Investigating Committee

Subject of the Grievance

This case concerns a Fresno Gas Service Representative discharged for misuse of his assigned Purchasing Card.

Facts of the Case

In approximately May 1997, the grievant informed his supervisor that the grievant's wife had unintentionally used his P-Card to rent several movie videos at a cost of \$36.20. The grievant wanted to pay for the videos. The supervisor was not sure if the employee could pay for personal purchases and consulted with his supervisor. He was advised to contact Security to conduct an investigation. Prior to that the supervisor had requested receipts for other purchases made over the preceding several months. The grievant told the supervisor he'd lost his wallet with the receipts in it.

Security found that the grievant had used his P-Card as identification to establish an account at the video store and in so doing, the \$5 membership fee was waived. When the rented videos were not returned when due, the \$36.20 was charged to the P-Card.

In addition Security reviewed purchases made by the grievant between January 22, 1997 and May 11, 1997. Security found there were 11 purchases made and that 7 of them, totaling \$102.64 (including the videos), were questionable. The employee claimed that with the exception of the videos, all of the items were used in the course of his work. It was also noted that several of the purchases were made on the employee's day off. While some of the items were claimed to have been installed in customer residences, other items which should have been on the employee's truck or in his tool box could not be located. The grievant stated he had used more than one truck during this period of time and that other Gas Service Reps have access to the truck keys. The grievant had no active discipline and 17 years of service at the time of discharge.

Discussion

The Review Committee discussed this case at length, reviewing in detail the items purchased and whether it was plausible that they might have been used in the grievant's work. With the exception of a Fram Air Filter (\$5.38) which did not fit any Company vehicles or the grievant's vehicle and the videos, the other items could have been used by a GSR. The Union expressed concern that the employee was being asked about purchases several months after the fact and that his inability to remember specifically what was purchased on specific dates should not automatically be interpreted as an attempt to defraud the Company.

Further, the Union opined that the P-Card procedures manual indicates that a Lost Receipt Form should have been completed for the purchases for which the grievant did not provide receipts. This did not happen as the supervisor was not aware of the procedure.

Company opined that several of the items would be unusual to use by a GSR, that there were multiple questionable purchases, and that there was no compelling reason to make purchases on days off when some of the items could be obtained from Materials on a workday.

The Review Committee also reviewed other examples of P-Card misuse by bargaining unit employees. The discipline ranged from Written Reminder to Discharge dependent of the facts of the case and the employee's record . In one case an employee with two active Written Reminders was issued a DML for renting videos with his P-Card.

DECISION

Based on the facts of this case, the Review Committee agreed to reinstate the grievant at a DML effective for one year from his return to work. The reinstatement is without backpay. The grievant will need to take a DOT pre-employment drug screen as he has been out of the random pool for more than 30 days.

For the Company:

For the Union:

Margaret A. Short
Kenneth E. Lewis
William G. Mc Loughlin
Michele A. Silva

Roger W. Stalcup
William R. Bouzek
Ed Dwyer
Sherrick A. Slattery

By: Margaret Short

By: Roger Stalcup

Date: 6/16/98

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