

7.1: OR would have been the appropriate level of discipline to four System Operators in Santa Rosa who received WR for having inappropriate information (sexually explicit videos) stored on their Personal (P) Drives at their workstations



REVIEW COMMITTEE

IBEW



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DECISION
LETTER DECISION
PRE-REVIEW REFERRAL

RECEIVED by LU 1245
MAY 23, 2001

**CASE CLOSED
FILED & LOGGED**

**Review Committee Nos. 11166, 11167, 11169 & 11172
Electric Operations – Santa Rosa**

Mary Cogan
Company Member
Local Investigating Committee

John Kent
Union Member
Local Investigating Committee

Subject of the Grievance

The four grievants received Written Reminders for having inappropriate information stored on their Personal (P) Drives at their workstations.

Facts of the Case

The grievants are System Operators in the Santa Rosa Distribution Operations office. The Written Reminders in the conduct category were issued November 22, 1999 and as such had deactivated prior to referral to the Review Committee. Two of the grievants had no active discipline at the time and two grievants had one active coaching and counseling each. One coaching and counseling was in the conduct category and the other in work performance.

The HR Advisor testified that she received a message from the Ethics and Compliance Hotline that a C&TS (Computer and Technological Services - now ISTS) employee had contacted the E&C group about inappropriate material housed on several employees' P Drives. The C&TS employee had been monitoring the Santa Rosa network server because it was on the verge of having too much information stored on it. He was looking for large files which might not be necessary to be stored on the server. The C&TS employee noticed several files that took up quite a bit of space - had high megabyte numbers and had the .jpg appendage which generally is indicative of animated or video type material. He opened the files to find sexually explicit videos.

The P Drive is designed to allow access only by the user to whom it is assigned/mapped. It can be accessed only after logging on to the PG&E network which requires an employee to input their password. Passwords are created by the user/employee and for security reasons, it is against Company policy for employees to tell others their passwords.

All the grievants denied saving the videos to their P Drives.

Discussion

Union argued that Company did not demonstrate that these employees saved the videos to their P Drives, that they had accessed them, that there had been any non-productive time resulting from viewing the videos, that they had been passed on to others, or that anyone had been offended. Union further argued that WR was too severe for this factual situation, that Company bypassed both the coaching and counseling and Oral Reminder steps of the Positive Discipline system. Union noted that the intent of PD is to change behavior therefore a coaching and counseling seemed more in order.

Company responded that the only way for the videos to be on the P Drive is for someone to have entered the network using the employee's LAN ID and password and saved the videos to that employee's P Drive. To suggest that the grievants did not save the files and that they did not know how to save to their P Drive simply isn't credible. As to the Union's other arguments, except about the level of discipline, Company concedes not being able to demonstrate that any of these things occurred.

Company, however, shared with Union many examples of communications to employees about maintaining a hostile-free and sexual harassment-free work environment. There is a letter that goes to every employee from the Vice President of Human Resources every year; there is Ethics and Compliance training; there are emails; and there have been employee meetings.

The Review Committee agreed that the material was inappropriate and that the employees are responsible for the content and maintenance of their P Drives.

Decision

Based on the factual situation of these cases, the Review Committee agrees that Oral Reminders would have been the appropriate level of discipline in these cases.

These cases are closed on the basis of the above understanding.

For the Company:

Margaret A. Short
Ernie Boutte
Dave Morris
Malia Wolf

For the Union:

Sam Tamimi
William R. Bouzek
Ed Dwyer
Sherrick A. Slattery

By: Margaret Short

By: Sam A. Tamimi

Date: 5/23/01

Date: 5-23-01