

7.1: DML is for just and sufficient cause to a System Operator (10 years of service) for fraudulently accessing the Internet and misuse of Company time surfing non-business related Internet websites

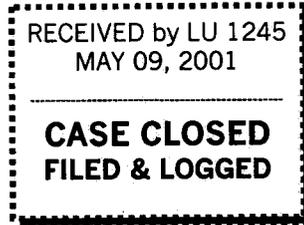


REVIEW COMMITTEE

IBEW



PACIFIC GAS AND ELECTRIC COMPANY
2850 SHADELANDS DRIVE, SUITE 100
WALNUT CREEK, CALIFORNIA 94598
(925) 974-4282



INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W.
P.O. BOX 4790
WALNUT CREEK, CALIFORNIA 94596
(925) 933-6060
SALIM A. TAMIMI, SECRETARY

MARGARET A. SHORT, CHAIRMAN

DECISION
LETTER DECISION
PRE-REVIEW REFERRAL

Review Committee No. 11468

Mary Cogan
Company Member
Local Investigating Committee

Ed Caruso
Union Member
Local Investigating Committee

Subject of the Grievance

This case concerns a DML issued to a System Operator with 10 years of service for fraudulently accessing the Internet and misuse of company time.

Facts of the Case

The grievant was not authorized for Internet access. None of the operators at this headquarters had been authorized for Internet access.

On twelve separate occasions in December 1999, Grievant logged into his computer at work, used the identification and password of his wife to access the Internet, and then spent hours of company time surfing non-business related Internet websites. The grievant's wife, also an employee, did have authorized access.

At the time the DML was issued, Grievant was on an active written reminder for storing sexually explicit material on his "P" drive on the computer assigned to him at work. The Review Committee subsequently reduced the written reminder to an oral reminder in Review Committee No. 11167. Grievant also had a permanent letter in his file for abuse of sick leave.

Discussion

Given that the grievant consistently denied that he had been the one to fraudulently access the Internet, the Local Investigating Committee focused on whether or not the grievant had committed the misconduct. Through investigation of computer records, the grievant's whereabouts on the days in question, testimony from fellow operators regarding use of the computers, and a lack of any other plausible explanation, there is sufficient evidence outlined in the Joint Statement of Facts to conclude that Grievant had engaged in the misconduct, which violated PG&E's Standards of Employee Conduct.

Further, grievant would have known his wife's LAN ID and the generic method of establishing the initial password when an employee is granted Internet access. Company did investigate and determine that his wife did not provide him her password or give her permission for him to use it.

Decision

Notwithstanding the fact that the written reminder was reduced to an oral reminder, the Review Committee agreed that, given the seriousness of the grievant's misconduct, the Decision Making Leave was for just and sufficient cause.

This case is closed without adjustment.

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

Date: 5/9/01

By: Salim A. Tamimi

Date: May-9-2001