

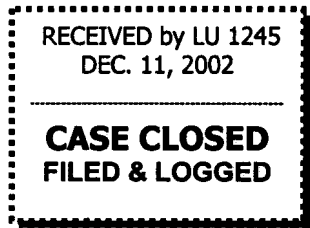


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MARGARET A. SHORT, CHAIRMAN

DECISION
LETTER DECISION
PRE-REVIEW REFERRAL

REVIEW COMMITTEE



IBEW



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

Review Committee No. 13583 Customer Revenue Transactions – Stockton Credit and Records Center

Claire Capell-Kennedy
Company Member
Local Investigating Committee

Arlene Edwards
Union Member
Local Investigating Committee

Subject of the Grievance

This case concerns the discharge of a Service Representative from the Stockton Credit and Records Center for inadvertently pasting a pornographic comment on a customer's record and inappropriate and excessive use of email.

Facts of the Case

The grievant's computer was configured to provide an email preview on a portion of her screen while working on customer accounts. On April 23, 2002 the grievant received an email from another company employee, thought it was funny and laughed out loud. Another employee asked what was so funny. The grievant then cut the comment from the email she'd received intending to paste it into another email to forward on. The grievant instead pasted the comment onto the customer's record. She noticed the comment was gone from the CCMS section of TP (teleprocessing) and thought it had been deleted

On May 3, a Sacramento Records clerk noticed the inappropriate comment on the customer record in TP and reported it to her supervisor. The supervisor found the comment was in Genesis as well.

The grievant was hired January 2, 2001 and had no active discipline. Company policy concerning use of the computer was reviewed with the grievant and other employees on January 7, 2002.

The supervisor testified that the grievant was assigned to broken locks; performance was fine and she completed all assignments given to her. Her stats were in the "ball park" with other employees.

Discussion

Union opined that discharge is too severe for the grievant's mistake; she did not intentionally place the comment on the customer record. Union also stated that the use of email for personal communication is widespread and tolerated by management. Union noted that other employees in Stockton were given less discipline (Written Reminders) for excessive email and Internet use.

Company responded that what sets this case apart from the others is the very inappropriate comment being on a customer record which is the Company's official document should there be a need to produce this customer's record. Typically, misconduct involving customers carries a higher disciplinary penalty. Additionally, the grievant is very short service and had been made aware of the rules.

Just prior to the Review Committee meeting, the parties learned that:

- Company was able to remove the comment from both TP and Genesis. It took a programmer from ISTS to do so.
- The likelihood that the customer would see the comment is remote, but it could happen.
- Three other employees were given WR's for excessive use of email and Internet, but none involved sexually inappropriate comments or sites.

Decision

Based on all of the facts in this case, the Review Committee agrees to reinstate the grievant without back pay with benefits in tact except for any vacation adjustment as provided in Section 8.5(a) of the Clerical Agreement. She will be placed on a Decision Making Leave effective for one year from the date of return.

This case is closed on the basis of the foregoing and should be so noted by the LIC.

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: 12/11/02

Date: 12-11-02