



# REVIEW COMMITTEE



PACIFIC GAS AND ELECTRIC COMPANY  
LABOR RELATIONS DEPARTMENT  
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RECEIVED by LU 1245  
August 9, 2013

**CASE CLOSED  
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INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS, AFL-CIO  
LOCAL UNION 1245, I.B.E.W.  
P.O. BOX 2547  
VACAVILLE, CALIFORNIA 94696  
(707) 452-2700

DOUG VEADER, CHAIRMAN

F. E. (ED) DWYER Jr, SECRETARY

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

## Review Committee No. 21786 Electric Operations – Substation M&C - Sacramento

### Subject of the Grievance

This grievance concerns the discharge of a Subforeman A for accessing inappropriate material on a Company issued laptop.

### Facts of the Case

The grievant is a Subforeman A who had 35 years of service and no active disciplinary action at the time of his discharge. It was determined through a Corporate Security investigation that the grievant had accessed inappropriate material on three occasions. These occurred while at his home on his personal internet service account.

### Discussion

The Union argued that the grievant was unclear of the Company policy and believed it was not a violation to view the material on a Company laptop because he was not using the Company internet and was doing so off Company property. In fact, he self-reported and the only reason this was discovered was because the grievant openly admitted that he had accessed the material when he turned the computer in for repair. At that time, he pointed out his belief that it was okay because he used his own internet service. In light of his 35 years of service the termination should be mitigated.

The Company responded that the Code of Conduct is clear that accessing inappropriate material using a Company computer is prohibited. Additionally, a similar message pops up onto the computer screen when logging on. The Company has clearly communicated the expectations in this area. The grievant's stated belief that his accessing the material was not a violation does not excuse him from consequences for his behavior.

Decision

In recognition of his 35 years of service, good work record, and clean disciplinary record, the Committee agrees to reinstate the grievant without back-pay or retroactive benefits. This decision does not set precedent regarding the appropriate action to take when employees access inappropriate material using Company computer resources.

**For the Company:**

Doug Veader  
Laura Sellheim  
Rod Williams  
Tanya Moniz-Witten

By: Doug Veader  
Date: 8/8/13

**For the Union:**

F.E. (Ed) Dwyer Jr.  
James Brager  
Mike Scafani  
Karen Russell

By: [Signature]  
Date: 8/8/2013