



REVIEW COMMITTEE



PACIFIC GAS AND ELECTRIC COMPANY
LABOR RELATIONS DEPARTMENT
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INTERNATIONAL BROTHERHOOD OF
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CLAIRE IANDOLI, CHAIRPERSON

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

KIT STICE, SECRETARY

Review Committee Number 24426 Gas Service - Sacramento

Deborah Harper
Company Member
Local Investigating

Keith Hopp
Union Member
Local Investigating Committee

Subject of the Grievance

This case concerns the termination of a Gas Service Representative (GSR) for violation of the Company's Code of Conduct.

Facts of the Case

The Grievant, a GSR from Sacramento, was temporarily assigned to the North Bay service territory to assist with wildfire restoration efforts. During regular work hours and after the morning tailboard, the Grievant and another GSR requested permission to drive to a local Walmart to purchase personal items. The Grievant drove his assigned Company vehicle with his GSR co-worker as a passenger. While at the Walmart store, the GSR co-worker who was the passenger with the Grievant, purchased a bottle of alcohol and one thermos container, among other items. Upon leaving the store the GSR co-worker transferred the alcohol from the bottle to the thermos container. The two GSR's then returned to the temporary headquarters. Company supervisors were notified of this incident and both employees were suspended from work pending further investigation. Subsequently, the Grievant was terminated.

Union Position

In this case, the Grievant was assigned to work that day with another GSR during or after the morning tailboard. The Grievant spoke to the supervisor to request a different assignment but the supervisor denied this request. Union noted several mitigating factors with respect to this case, most importantly, the statement from the Grievant that he did not knowingly transport alcohol in a company vehicle.

Company Position

The Grievant transported alcohol in a Company vehicle, transported alcohol in an open container and failed to cooperate in a Corporate Security Investigation. The Termination was for just and sufficient cause.

Discussion

The Review Committee reviewed the statements made by the Grievant and other witnesses in this case. Although the Grievant denied any knowledge of transporting the alcohol in his Company vehicle, there is other circumstantial evidence that contradicts this claim. Additionally, the Grievant admitted he made false statements to security during the investigatory interview. Nevertheless, a fact issue does exist as to whether he knowingly transported alcohol in his Company vehicle. However, given the Grievant's long service tenure and performance history, the Company is willing to give the Grievant the benefit of the doubt in resolving this factual issue and to reinstate him per the decision below.

Decision

Based on the discussion above, the Review Committee agrees to reinstate the Grievant within 10 business days of the Grievant's successful completion of a drug screen administered by the Company provider. Upon successful completion of the drug screen, the terms of reinstatement are as follows:

- 1) No backpay from date of termination until return to work, unless the Grievant is not returned to work within 10 business days as noted above.
- 2) Seniority and benefits intact. (Unused sick leave, HRA funds, etc.)
- 3) Upon return to work, the Grievant will be issued a DML for conduct.

Based on this decision, this case is settled and closed.

Claire landoli 9/24/18

Claire landoli, Chairman Date
Review Committee

Kit Stice

Kit Stice, Secretary
Review Committee

Date 9/24/18