



REVIEW COMMITTEE

IBEW



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PACIFIC GAS AND ELECTRIC COMPANY
LABOR RELATIONS DEPARTMENT
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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

DYLAN GOTTFRIED, CHAIRMAN

KIT STICE, SECRETARY

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

Review Committee Number 24668 Gas Operations-General Construction Gas- Sacramento

Maria Eggert
Company Member
Local Investigating Committee

Kyle Whitman
Union Member
Local Investigating Committee

Subject of the Grievance

This case concerns the termination of a Welder for falsification of return to work medical records, violating doctors work restrictions and a direct work order to follow these restrictions, which he subsequently posted information about being insubordinate on a social media site.

Facts of the Case

The Grievant was terminated for submitting to the Company a return to work release from his doctor that was altered. The Company obtained information from his physician and found that the return to work date did not match what was on the original return to work note, in fact it was an earlier date. The Company had directed the Grievant to follow all his doctors' work restrictions while on restricted duty, the Grievant failed to follow that direct work order. In fact, the Grievant posted on a social media site that he knew that he had just performed a weld that was against Company and doctor orders.

Discussion:

The Union opined that the Grievant was improperly terminated and that the discipline was too harsh. The Union pointed to PRC 578 and PRC 579 which is similar in nature for falsification of medical records while on workers' compensation. The Union argued that the decision to PRC 578/579 was to return both employees back to work, yet these employees received a benefit from staying out longer whereas in this case the employee was set to come back to work earlier. The

Union did not argue that the employee was given direction to follow his doctors' restrictions, nor did they deny that he pointed this out on a social media site.

The Company argued that the Grievant was very aware he was to follow all his work restrictions, even by his own admission as evidence from his posting to a social media site. These actions are considered insubordination and there are numerous cases that support higher level of discipline for insubordination alone. The Company opined that falsification of any record is a serious offense and there are numerous cases that support termination for falsifying documents.

Decision

The Committee agreed to a confidential equity settlement. This case is closed.

For the Company:

D. Gottfried 5/15/19
Dylan Gottfried, Chairperson Date
Review Committee

For the Union:

Kit Stice 5-15-19
Kit Stice, Secretary Date
Review Committee