



REVIEW COMMITTEE



PACIFIC GAS AND ELECTRIC COMPANY
LABOR RELATIONS DEPARTMENT
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INTERNATIONAL BROTHERHOOD OF
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ROBIN WIX, CHAIRPERSON

KIT STICE, SECRETARY

Review Committee Number 24671 Gas Operations – Transmission & Distribution – Oakland

Brenda Legge
Company Member
Local Investigating Committee

Rey Mendoza
Union Member
Local Investigating Committee

Subject of the Grievance

This case concerns the termination of an Operating Utility Clerk for violating the Company's Employee Code of Conduct by falsifying timecards related to Worker's Compensation appointments and for failing to adhere to compliance procedures with respect to maintaining accurate records.

Facts of the Case

The grievant was an Operating Utility Clerk at the Oakland Service Center with 2 years of service. The grievant had no active discipline at the time of the incident.

On February 13, 2018, the Grievant sent her supervisor an email notifying her of the Grievant's scheduled Worker's Compensation (WC) appointment later that day. The Grievant sent another email to her supervisor on February 16, 2018 notifying her of another scheduled WC appointment on February 26th. The Grievant documented her timecards to reflect 1.5 hours WC appointment on 2/13, and 2 hours WC appointment on 2/26/18.

The Grievant's supervisor learned from the Worker's Compensation Representative that the Grievant did not have a scheduled WC appointment on 2/13 and the Grievant did not show for her scheduled WC appointment on 2/26. When asked by her supervisor if she attended these appointments, as she had submitted via email to her supervisor and as documented on her timecard, the Grievant confirmed that she had attended the appointments. Subsequently, the day after being questioned by her supervisor, the Grievant submitted revised timecards for both dates indicating she was at work. The Company was unable to identify any on-site activity by the Grievant during these time periods, including no badge swipes into any Company facility, no electronic emails or work product sent or submitted, and no eye witnesses that saw the Grievant at work during these periods of time as she indicated by her changed timecards.

On March 12, 2018, the Grievant's supervisor was notified that the Grievant had "blanked out" (inactivated CN07) a total of 25 jobs on four different days. Inactivating CN07 results in impacts to various lines of business including Mapping as they would no longer see the job and therefore would not make any necessary map corrections which could result in safety incidents due to incorrect records. The Grievant's actions resulted in the Company having to self-report to the CPUC.

The Grievant had been performing this work for over a year and had not changed the active status erroneously during that time. The Grievant claimed she was not well trained, and she did not realize her actions would result in the job becoming "inactive". She maintained that the action was done in error and was not purposeful on her part.

Discussion

On the point of deactivation of the jobs, the Union argued that the Grievant had simply made a mistake and this issue was a work performance error as opposed to purposeful falsification of company records, just as the Grievant had claimed. The Union noted the Grievant gained nothing by taking the action and had told her supervisor that her training was inadequate at best. The Union argued that at most, the Grievant should have had a refresher training opportunity and not be held accountable for purposeful falsification of Company records as there was no intent to falsify records.

The Company argued that the Grievant had been performing the work correctly for over a year which demonstrates her knowledge and ability to perform the proper work procedures and therefore her actions appear to be more intentional than error, resulting in inaccurate Company records and the requirement to self report to the CPUC.

Regarding the falsification of timecards, the Union argued the Grievant made a mistake on her timecard. Furthermore, the Company cannot confirm she was not at work just because there was a lack of "electronic" footprint or eye witnesses to confirm she was at work as stated. It is not uncommon for someone to not be seen or remembered during a specific day.

The Company argued that on 2/13, the Grievant had sent her supervisor an email stating she was going to a WC appointment that afternoon. She documented her timecard for that week as having gone to a WC appointment on 2/13, and she confirmed verbally with her supervisor that she had attended the appointment. On 2/16 the Grievant again notified her supervisor of an upcoming WC appointment on 2/26. She documented her timecard for that week as having gone to the appointment and verbally confirmed, when asked by her supervisor, that she had gone to the appointment. After her supervisor told the Grievant that the Worker's Comp representative said she did not have a scheduled appointment on 2/13 and that she did not show for her 2/26 appointment, the Grievant submitted revised timecards the following day to indicate she was at work during both dates and times in question, thereby falsifying her timecards a second time. The Grievant is a short service employee and is not credible, as demonstrated by her changing statements of what she did on 2/13 and 2/26.

Decision

The Review Committee discussed this case at length and considered each of the allegations as a whole and also separately. As to the improper inactivation of the CN07 tasks, the Committee was unable to reach agreement that the grievant intentionally took actions to inappropriately change the status of the jobs as alleged by the Company, and the Union continued to opine this was a work performance/training issue.

In regard to the timecard falsification, the Committee agreed that the Grievant was untruthful and submitted falsified timecards for personal gain. The termination for timecard falsification is upheld. This case is closed without prejudice or precedence to any other case.

For the Company:

Robin Wix 12-18-19
Robin Wix, Chairperson Date
Review Committee

For the Union:

Kit Stice 12/18/19
Kit Stice, Secretary Date
Review Committee