



REVIEW COMMITTEE

IBEW



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CLAIRE IANDOLI, CHAIRPERSON

- ☐ DECISION
- ☐ LETTER DECISION
- ☐ PRE-REVIEW REFERRAL

KIT STICE, SECRETARY

Pre-Review Committee Number 24339 Electric Operations – Electric Maintenance – Hayward

Yvonne Bradley
Company Member
Local Investigating Committee

Lou Mennel
Union Member
Local Investigating Committee

Subject of the Grievance

This case concerns the termination of an Electrician-Switching for false timecard entries in violation of the Code of Conduct.

Facts of the Case

The Grievant is an Electrician-Switching at the Hayward Substation with a hire date of June 2003.

Grievant understood timecards were to be completed accurately and he was verifying that the hours he reported were true.

Despite his acknowledgement, Grievant falsified his time cards on two separate occasions on 8/26/17 and 8/28/17. On 8/26/17, the Grievant was scheduled for prearranged overtime and overcharged for his travel time (from his home to the Hayward Shop and from the Shop to the Substation) for two hours at the overtime rate and falsely claimed one hour of Switching duties when in fact, his Switching duties took less than 30 minutes according to the Switching logs.

On 8/28/17, Grievant was scheduled for prearranged overtime again and charged 2 hours for travel time at the overtime rate and falsely claimed one and one-half hours of Switching duties when in fact, his Switching duties took less than one hour, resulting in an additional 30 minutes of falsely claimed overtime on his timecard.

Over the course of two work days, Grievant falsely claimed 3.25 hours of overtime to which he was not entitled.

Further, Grievant was less than honest when he was asked about these discrepancies during the two investigatory interviews that were held. During the first investigatory interview, when questioned about his travel time, Grievant asserted there were road closures. The Supervisor verified with Caltrans and CHP, there were no road closures on the day in question.

During the second investigatory meeting, Grievant falsely stated he could not remember what he was doing between his Switching assignment and returning to the Substation for a total of 76 unaccounted for minutes. Additionally, he claimed he was underpaid for a Switching assignment that took him two hours to complete when in fact the Switching logs indicate it only took him 10 minutes.

RC Decision 20762 involves a Gas Service Representative who was terminated for timecard falsification. The Decision provides in pertinent part, "...the evidence clearly shows that the Grievant was adding time to the beginning and the end of his overtime assignments. The Grievant did not satisfactorily account for the discrepancies between his log off times and the times he recorded on his timecard...".

Discussion

The Union argued since the Grievant was forced to change his timecard by his Supervisor, he was not actually paid for the overtime claims and therefore, did not violate the Code of Conduct. While the Union agreed he should not have submitted false timecards, they argued the discipline was too harsh and sought a reduction in the penalty.

The Company relied upon Review Committee (RC) Decision 20762 in that the Grievant was adding travel time at the beginning and end of his assignments (which was contrary to the badge swipes at his Headquarters and the Substation); and he was claiming additional time to perform Switching duties which were in clear contradiction to the Switching logs themselves. In summary, the Grievant was falsely claiming overtime for hours when he was not traveling and/or was not performing any work.

Decision

RC Decision 20762 upheld the termination of a Gas Service Representative who falsely claimed overtime on his timecards. The facts of RC 20762 are similar to the facts of this case in that Grievant was falsely claiming overtime for hours when he was not traveling and/or was not performing any work. The parties agreed the Grievant's dishonesty during the investigation process was a compounding factor in this case. The Committee agreed the discipline was issued for just and sufficient cause and agreed to close the case without adjustment.

Claire Ieri 5/17/18

Claire Iandoli, Chairperson
Review Committee

Date

Kit Stice 5/17/18

Kit Stice, Secretary
Review Committee

Date