



## REVIEW COMMITTEE

**IBEW**



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

ROBIN WIX, CHAIRMAN  
☐ DECISION  
☐ LETTER DECISION  
☐ PRE-REVIEW REFERRAL

F.E. (ED) DWYER Jr, SECRETARY

### **Review Committee Number 22238 Electric Operations – Restoration – Cupertino**

Jodi Baxter  
Company Member  
Local Investigating Committee

Casey Barker  
Union Member  
Local Investigating Committee

#### Subject of the Grievance

This case concerns the discharge of a Troubleman for misuse of company time on straight-time and overtime and making false entries into the Field Automation System (FAS).

#### Facts of the Case

The grievant is a Troubleman with 4.5 years of service. At the time of the incident the grievant had no active disciplinary action.

On April 20, 2013, the grievant's supervisor noticed on FAS that the grievant had been logged on to a "tree on wire" tag for three hours. The supervisor contacted dispatch, asking the dispatcher to call the grievant and inquire if he needed additional assistance. In the process of doing so, it was discovered that the grievant's GPS did not match his FAS location. Based on this discrepancy, the supervisor began reviewing other records and discovered additional discrepancies.

Corporate Security conducted an investigation and alleged that the grievant violated the Employee Code of Conduct by misusing company time, making false entries into the FAS system, and fraudulently submitted a timecard for overtime compensation. Between April 19<sup>th</sup> and April 22, 2013, the grievant entered time into FAS that was inconsistent with his actual activities and locations on at least 25 occasions. The grievant entered into FAS that he was either enroute or had completed a tag while remaining at his girlfriend's house, at a restaurant, or sitting in a shopping center. The grievant's FAS unit was examined and found to be in proper working order.

The supervisor had previously communicated to the grievant expectations regarding accurate FAS entries and the requirement that Troublemens will either be working assigned tags or will remain at the headquarters if he/she has no tags to work during any assigned work period.

On April 21, 2013, the grievant was called out on emergency overtime at 2:30 a.m. The grievant entered into FAS that he completed the emergency job at 7:32 a.m. According to access card data, the grievant returned to the Cupertino yard at 4:09 a.m. where he remained until the start of his prearranged overtime (POT) assignment, allowing him to bridge his 2x rate into his POT shift and

gain an additional 2.5 hours of overtime pay at the 2x rate. The grievant did not work any tags during this time period.

### Discussion

The Union argued that the Company did not follow the positive discipline guidelines and should have issued a lesser level of discipline which would have allowed the grievant an opportunity to adhere to the newly established expectations regarding non-productive time and FAS entries. The Union further argued that the long standing practice of allowing service employees to remain at home when they had no work on their screens, as long as they timely responded to emergencies, was not formally changed until a 5 Minute Meeting reset the expectations in June of 2013, following the grievant's suspension and subsequent discharge.

The Company argued that the grievant was discharged for significant misuse of company time, both on straight-time and overtime. Additionally, he intentionally falsified company records by making false entries into the FAS system to hide his actual location and non-work related activities on numerous occasions. The grievant was well aware of the expectations regarding not being at home during work hours and entering correct FAS information. The expectation was made clear well before June of 2013.

RC 20762 upheld the termination of a long service employee (25 years) without active discipline for falsifying information in FAS and on his timecards on 12 occasions within a 6 month period, stretching his overtime assignments for the benefit of increased pay without performing work. This immediate case is similar to RC 20762 in that falsification of company records were made while work was not performed and grievant was conducting personal business on company paid time.

### Decision

The Committee agrees the discharge was for just cause and closes this grievance without adjustment. The Company further agrees this case will not set precedence to the case currently at arbitration case 320.

#### **For the Company:**

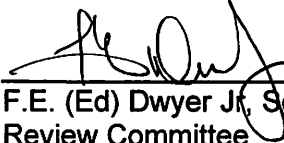
Robin Wix  
Rod Williams  
Tanya Moniz-Witten  
Chris Zenner

  
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Robin Wix, Chairman  
Review Committee

1/28/15  
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Date

#### **For the Union:**

F.E. (Ed) Dwyer Jr.  
Jim Brager  
John Blaylock  
Karen Russell

  
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F.E. (Ed) Dwyer Jr, Secretary  
Review Committee

1/28/15  
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Date