



REVIEW COMMITTEE



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CASE CLOSED
FILED & LOGGED

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W
P.O. BOX 4790
WALNUT CREEK, CALIFORNIA 94596
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R.W. STALCUP, SECRETARY

MARGARET A. SHORT, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

Fresno Division Grievance No. FRO-96-27
Fact Finding File No. 6397
Pre-Review Committee Case No. 2077

MELANIE CURRY
Company Member
Local Investigating Committee

RON VAN DYKE
Union Member
Local Investigating Committee

Subject of the Grievance

This case concerns the discharge of a Customer Services Representative from the Fresno Call Center for altering and falsifying Company account records, making an unauthorized credit extension, and applying her employee rates to a home that was not her primary residence.

Facts of the Case

On January 16, 1996 the grievant removed a 48-hour notice from a co-worker's account and on January 22, 1996 the grievant granted the same co-worker a credit extension.

Company alleged grievant and co-worker had a personal relationship and lived together in Fresno from September 1995 until January 1996. On September 27, 1995, the grievant's employee rates were established at her parent's home in Kingsburg where it remained until February 9, 1996 when she moved to a different address in Kingsburg. During the period that the discount was on the parents' account, Company alleged the grievant was not living with them; the grievant claimed she did live with her parents. A check of the records indicated the bill for the parents' address was paid monthly by check drawn on the parents bank account.

While the grievant denied living with her co-worker, there was evidence to the contrary. On January 16, 1996, the grievant completed an Emergency Contact form. On it she indicated her residence to be a Fresno address and indicated that her Mother, who lives in Kingsburg should be contacted in case of emergency. Also included in the Local Investigating Committee file are copies of nine different envelopes delivered by the US Post Office addressed to the grievant at the Fresno address shared with the co-worker. On various dates in January and February, the grievant signed the weekly Emergency Overtime List and used the phone number at the co-worker's Fresno address. There was also testimony from a

supervisor that the grievant had enrolled her daughter in a Fresno school and then transferred her to a Kingsburg school in February.

Discussion

The Credit and Collections Policy states:

“Effective April 24, 1995, it is a Credit and Collections policy that employees shall not grant extensions on behalf of themselves, other family members, or friends without the knowledge and written approval of their supervisor.”

The Employee Rates Application states in relevant part that the rates apply :

“... to regular and pensioned employees of company, provided they reside in their own home (single family dwelling, separately-metered flat or apartment) and are supplied directly by the company.....to employees living with and constituting the support of a mother, father, or other relatives.....the services must be billed to and paid by the employee..an employee is eligible to receive employee rates only at the one location that is the employee's principal residence....the phrase 'living with and constituting the support of a mother and/or father or other relatives' as used in the tariff schedules is construed to mean a significant portion of such support as distinguished from a nominal contribution.”

It is clear from the evidence that the grievant violated both policies.

DECISION

Based upon the evidence in this case, the grievant's short service (@ 22 months), and her lack of credibility the Pre-Review Committee agrees that the termination was for just and sufficient cause.

This case is closed.

Margaret A. Short
Margaret A. Short, Chairman
Review Committee

12/23/96

Date

Roger W. Stalcup
Roger W. Stalcup, Secretary
Review Committee

12/23/96

Date