

7.1; Exh. XVII: Davis Meter Reader discharge was for just cause for: driving a Co. vehicle w/o carrying a valid driver's license; abuse of funeral leave; and, insubordinate behavior by refusing to attend investigative meetings re. grv.'s issues.



REVIEW COMMITTEE

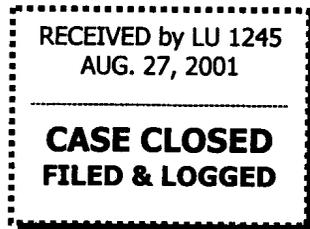
IBEW



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(925) 974-4282

MARGARET A. SHORT, CHAIRMAN

DECISION
LETTER DECISION
PRE-REVIEW REFERRAL



INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W.
P.O. BOX 4790
WALNUT CREEK, CALIFORNIA 94596
(925) 933-6060
SALIM A. TAMIMI, SECRETARY

Pre-Review Committee No. 12218

Melissa Montoya
Company Member
Local Investigating Committee

Arlene Edwards
Union Member
Local Investigating Committee

Subject of the Grievance

This grievance concerns the discharge of a Davis Meter Reader.

Facts of the Case

The grievant was a Meter Reader in the Davis headquarters with slightly under six years of service. At the time of his discharge, he had a Written Reminder in the conduct category and a Coaching and Counseling in the attendance category. The grievant was terminated on October 26, 2000 based on his active Positive Discipline record and for the following violations:

1. Driving a Company vehicle without carrying a valid driver's license. Although it was determined that the grievant did have a valid license, it was determined that he drove for an extended period of time without the license in his possession.
2. Abuse of funeral leave. The grievant requested two days of funeral leave. It was determined that he did not attend a funeral on either of these days. He used one of the days to secure a copy of his license from the Department of Motor Vehicles.
3. Insubordinate behavior by refusing to attend investigative meetings regarding the above issues.

Discussion

Initially, the Union argued that discharge was too severe. Rather than discharge, the Company should have issued a Decision Making Leave.

The Company argued that the violations (especially the insubordination and abuse of funeral leave) were severe. Given the severity of the offenses, his active disciplinary record, and his short service, discharge was appropriate.

Decision

After much discussion, the Pre-Review Committee agreed that the discharge was for just cause and agreed to close this case without adjustment.

Margaret Short

Margaret A. Short, Chairman
Review Committee

8/24/01

Date

Sam Tamimi

Sam Tamimi, Secretary
Review Committee

8-24-01

Date