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## JOINT STEERING COMMITTEE U.W.U.A. - I.C.W.U.C



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July 14, 2017

### By Facsimile

Bernadette M. Sides  
Director of Labor Relations  
Southern California Gas Company  
555 W. Fifth Street, M.L. GT16A3  
Los Angeles, California 90013-1035

Re: Letter Regarding the 1978 Falsification Agreement

Dear Ms. Sides:

Thank you for your letter of June 28, 2017. This letter serves as the response of the JSC.

First, the 1978 Letter Agreement speaks for itself and remains in effect. Neither the Company's letter nor the "understanding" your letter purports to communicate can change the terms of the Letter Agreement nor repudiate it in whole or in part.

Second, nothing in the Letter Agreement or in the collective bargaining agreement relieves the Company from its burden in any case it alleges falsification of having to prove such falsification. Falsification requires proof of deliberate deception, and the burden of proving intentional conduct is on the Company.

As you are new to your position, let me emphasize this point. The Unions do not condone falsification. However, the Unions' experience is that supervisors and managers are quick to accuse employees of lying. They are poorly trained to conduct investigatory interviews, yet they seek to use these interviews not to investigate but to try to set up situations to discipline employees for lying. Labor Relations representatives are no better trained and have a "gotcha" mentality. Once lower level supervisors and managers start down a path of investigating an employee's conduct, they and Labor Relations seem to think they need to find misconduct, whether it exists or not. And lying in an investigatory interview appears to be the misconduct in fashion, whether it occurred or not. Supervisory and managerial accusations which lack proof of deception are fully as egregious as any conduct you describe in your letter.

The Unions also disagree with the implication that any "issue" related to falsification and failure to follow Gas Standards necessarily has an impact on safety. As you may or may not be aware, the Unions have led on safety before the CPUC, in the California Legislature, and in our Safety Committees under

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the CBA. No one is more conscious of safety in the field than our members who are out there. We wish we could say the same of many the Company supervisors and managers, who regularly push an understaffed workforce to get work done quickly. In any event, safety is its own issue, and, if the Company believes in any instance that an employee has performed unsafely, then that may be a training issue, a work performance issue, or, in certain instances, misconduct. Like falsification, the burden of proof is on the Company, and evidence, not unsupported accusations, is required.

To the extent your letter states or implies that the Company will construe not completing work in strict compliance with Gas Standards to be dishonesty, rather than a failure to follow Company rules, a work performance failure that requires correction, or not disciplinary at all (there have been instances where following Gas Standards is in fact dangerous or not in compliance with CPUC requirements), the Unions categorically reject any such statement or implication. To the extent your letter states or implies that the Company may terminate without following the CBA, the 1978 Letter Agreement, just cause, or progressive discipline, that the Company may discipline without proof, or that the Company may avoid its burden of proof, the Unions categorically reject any such statement or implication.

Finally, please provide the following information related to the Company's reference to "reportable event[s] to the CPUC" in your letter: For the past five years,

(1) reports of all events falling within the Natural Gas and Electric Safety Citation Program criteria of "Any instances of fraud, sabotage, falsification of records and/or any other instances of deception by a gas corporation's personnel, contractors, or subcontractors that caused or could have caused a potential violation, regardless of the outcome, i.e., forging inspection records, faking signatures on maintenance records, intentionally using wrong numbers in design, etc." which the Company has reported to the CPUC or any other governmental agency;

(2) individual descriptions of all events which the Company at any time investigated as possibly falling within the Natural Gas and Electric Safety Citation Program criteria of "Any instances of fraud, sabotage, falsification of records and/or any other instances of deception by a gas corporation's personnel, contractors, or subcontractors that caused or could have caused a potential violation, regardless of the outcome, i.e., forging inspection records, faking signatures on maintenance records, intentionally using wrong numbers in design, etc." which the Company, in investigating, made a determination did not need to be reported to the CPUC or other governmental agency to which the Company reports such events; and

(3) all Company policies, procedures, and standards that pertain to reporting events falling within the Natural Gas and Electric Safety Citation Program criteria of "Any instances of fraud, sabotage, falsification of records and/or any other instances of deception by a gas corporation's personnel, contractors, or subcontractors that caused or could have caused a potential violation, regardless of the outcome, i.e., forging inspection records, faking signatures on maintenance records, intentionally using wrong numbers in design, etc.," including when to report, where to report, the form of the report, the person or position in the Company who/which is responsible for reporting and approving reporting, and the person or position in the Company who/which determines whether an event is reportable or not.

Please provide this information no later than July 31, 2017. Thank you.

Sincerely,



Javier A. Salas  
Chair, Joint Steering Committee