



LETTER AGREEMENT

No. 94-10-PGE



Pacific Gas and Electric Company
Industrial Relations Department
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San Francisco, California 94105
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International Brotherhood of
Electrical Workers, AFL-CIO
Local Union 1245, IBEW
P.O. Box 4790
Walnut Creek, California 94596
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Ronald L. Bailey, Manager or
David J. Bergman, Director and Chief Negotiator

Jack McNally, Business Manager

January 21, 1994

Local Union No. 1245
International Brotherhood of Electrical Workers, AFL-CIO
P. O. Box 4790
Walnut Creek, CA 94596

Attention: Mr. Jack McNally, Business Manager

Gentlemen:

Pursuant to the enclosed letter from the California Public Utilities Commission (CPUC), the Company purposes changes to paragraphs 5 & 6 of Appendix I of PG&E's Drug-Free Pipeline Policy as identified by the additions and deletions in the attached. Company, on its own initiative, proposes a change to paragraph 2 as discussed below.

- Paragraph 5. This modification responds to the CPUC's requirement that we include Return-to-Duty testing in the DFP policy, as mandated in 49 CFR 199.15 (c)(5). As acknowledged in the CPUC's letter, this is a requirement of the MRO's contract, and we have complied with the provisions of this section since the inception of the DFP Program.
- Paragraph 6. This modification responds to the CPUC's requirement that we correct our policy to reflect the longer 60 day appeal period specified in 49 CFR 199.17 (b), which takes precedence over the more general provisions of Part 40.33 (c) applicable to all transportation modalities.

In paragraph 2, the Company further proposes an additional modification to reflect the way notification and removal has occurred over the past 2 years. This procedure has been welcomed by employees as enhancing their privacy and avoiding the inadvertent disclosures inherent in removal of the employee by HR at work, as the policy dictated.

If you are in accord with the foregoing and attachments and agree thereto, please so indicate in the space provided below and return one executed copy of this letter to the Company.

Very truly yours,

PACIFIC GAS & ELECTRIC COMPANY

By  _____
Director and Chief Negotiator

The Union is in accord with the foregoing and attachments and it agrees thereto as of the date hereof.

LOCAL UNION NO. 1245, INTERNATIONAL
BROTHERHOOD OF ELECTRICAL WORKERS, AFL-CIO

Feb 22, 1994

By  _____
Business Manager

"Verified" Positive Test Procedure

1. The Medical Review Officer (MRO) shall notify the Program Coordinator of all "verified" positive tests.
2. The Program Coordinator shall promptly remove the employee from his/her work responsibilities and notify the responsible Human Resources Manager. [to have the employee removed from his/her work responsibilities].
3. Upon notification from the Program Coordinator, the HR Manager will work with the exempt supervisor to promptly remove the tested individual from his/her work responsibilities. If the employee qualifies for the "First Time Offender Program", they will be sent home pending startup of a rehabilitation program. If already off duty, the individual will remain off duty until a rehabilitation program commences.
4. An employee who is unable to perform his/her normal work duties because they have been removed due to a verified positive test, will be placed, at their option, on paid sick leave or vacation, if available, or unpaid leave.
5. The individual will be reinstated to full job duties upon approval of the MRO. The MRO's approval shall be based on the employee providing a negative "Return-to-Duty" urine test result at such time as the MRO deems appropriate. The authorization to return to duty [This] could occur while an employee is in a rehabilitation program or after the successful completion of one. After the rehabilitation program, the employee will be required to have random post-rehabilitation specimen analysis for up to 60 months.
6. If an employee does not agree to the MRO's decision of a verified positive test, he/she can request that the MRO authorize the lab to conduct another analysis of the original specimen or an analysis of the second part of the "split sample" being held by the laboratory. This analysis will be performed by another PG&E contracted laboratory. The specimen is tested for the presence of the drug(s) for which a positive result was obtained in the test of the first part. The results of this test are transmitted to the MRO without regard to the cutoff values stipulated in the DOT regulations. The MRO shall honor such request if it is made within 60 days [72 hours] of the employee's having actual notice that he or she tested positive.
7. If the results of the test on the second part of the "split sample" are positive, the "verified positive" test result is validated and the employee will be required to follow the Medical Review Officer's instructions.
8. If the results of the test on the second part of the "split sample" are negative, the "verified positive" test will be changed to a negative test result and reported to the Program Coordinator.

Appendix I

9. The cost of the analysis of the second part of the "split sample" will be borne by the employee only if the second test verifies the presence of the drug(s) for which a positive result was obtained in the test of the first part. The employee will be reimbursed for such expense if the re-analysis is negative.
10. Testing of an additional urine specimen is not authorized by the D.O.T. regulations and, therefore, will not be allowed.

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



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DMB

January 4, 1994

James H. Pope, Vice President
Gas & Electric Services
Pacific Gas & Electric Company
123 Mission Street, Room 1525
San Francisco, CA 94106

Subject: 1993 Audit of PG&E Drug Testing Program

Dear Mr. Pope:

On December 6, 7, 8 and 22, 1993, Byron Shovlain and Yim Gee of my staff conducted an audit of PG&E's Drug Testing Program to determine compliance with Parts 40 and 199 of General Order 112-D. The following items were observed to be either in noncompliance or were matters of concern and were brought to the attention of your personnel for corrective action or consideration.

A. Items of Noncompliance

1. PG&E allows an employee to request a retest of a positive result if done so within a 72-hour period of receiving a notice of a positive result. PG&E is in compliance with Part 40.33 (e); however, this procedure is not in compliance with Part 199.17 (b) which allows an employee to request a retest of a positive sample within 60 days of receipt of the final test result from the MRO. The U. S. Department of Transportation, Office of Pipeline Safety has ruled that in the event of a conflict between Part 199 and Part 40, that Part 199 would prevail. Please update your Drug-Free Pipeline Program manual to comply with the 60-day retest requirement.
2. Part 199.7 (a) states:
"(a) Each operator shall maintain and follow a written anti-drug plan that conforms to the requirements of this part and the DOT procedures. The plan must contain--
(1) Methods and procedures for compliance with all the requirements of this part, including the employee assistance program;"

In PG&E's Drug-Free Pipeline Program manual, there is no guideline for Return to Duty Testing even though it is stated in the MRO's contract. Please update your program manual to comply with the Return to Duty Testing requirement.

Compliance due date (1) & (2): April 29, 1994

B. Areas of Concern

In the course of this audit, we have these concerns:

1. Part 119.19 (c) states:

"Training under each EAP for supervisory personnel who will determine whether an employee must be drug tested based on reasonable cause must include one 60-minute period of training on the specific, contemporaneous physical, behavioral, and performance indicators of probable drug use."

We are concerned that with PG&E's reorganization, all supervisors in charge of persons covered under Parts 40 and 199 may not have received the supervisory training as required in Part 199.19 (c). An example would be a former electric supervisor who is now in charge of both electric and gas personnel. Please advise us of the steps taken by PG&E to ensure that all new supervisors now in charge of covered personnel are trained per Part 119.19 (c).

2. Part 199.11 (c) states:

"(c) RANDOM TESTING. Each operator shall administer, every 12 months, a number of random drug tests at a rate equal to 50 percent of its employees."

We are concerned about the shifting of employees from the divisions to and from the Distribution Construction Group (formerly ENCON or General Construction) as the result of reorganization. Do all covered employees in the divisions and the DCG test at the same rate? If not, please advise us of steps taken by PG&E to ensure that all covered employees in both groups are being randomly tested at the same rate.

In general, we find that PG&E has a good drug testing program in place. We appreciate the courtesy and cooperation of David Bidwell and his staff, and Jude Sharpe of PG&E's Employee Assistance Program during this audit. If you have any questions, please contact Byron Shovlain at (415) 557-1128.

Sincerely,



RUSSELL W. COPELAND, Chief
Utilities Safety Branch

cc: Betsy Dixon, Manager of PG&E Regulatory Relations Department
Ronald L. Bailey, Manager of PG&E Industrial Relations