

REVIEW COMMITTEE

7.1(P)

PG and E

PACIFIC GAS AND ELECTRIC COMPANY
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IBEW

INTERNATIONAL BROTHERHOOD OF
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LOCAL UNION 1245, I.B.E.W.
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(415) 933-6060
R.W. STALCUP, SECRETARY

CASE CLOSED
LOGGED AND FILED
DEC 14 1984

D.J. BERGMAN, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

RECEIVED DEC 11 1984

General Construction Grievance No. 3-1269-84-1
P-RC 946

December 10, 1984

MR. R. S. BAIN, Chairman
General Construction
Joint Grievance Committee

MR. MIKE MC KINNEY, Chairman
General Construction
Joint Grievance Committee

The above-subject grievance has been discussed by the Pre-Review Committee prior to its docketing on the agenda of the Review Committee and is being returned, pursuant to Step Five A(1) of the grievance procedure, to the Local Investigating Committee for settlement in accordance with the following:

Facts of the Case

This case concerns the three-day disciplinary layoff given to a Helper for allegedly drinking beer on at least one occasion during working hours. This disciplinary action was taken following an investigation which was conducted by the Company's Security Department, between August 16, 1983 and December 9, 1983. The Security Department arranged for the employment of an undercover operative who was placed on the job working as a Hydro/Substation Mechanic. During the course of the investigation, the undercover operative monitored the activities of a number of employees and provided to the Security Department both oral and written reports of his observations. The Pre-Review Committee has reviewed a considerable volume of documents and discussed, at length, this case and many others which resulted from the aforementioned investigation.

Discussion

On September 15, 1983, the grievant was in the company of several other employees who went from Unit 18 to the Administration Building for a hearing test. The group later took the van off site to a delicatessen where two 6-packs of beer were purchased and the beer consumed on the return trip.

The grievant acknowledged being present during this incident but denied that he drinks beer at any time as he is under 21. When interviewed by the Security Department on December 12, 1983, he stated:

"I was a new employee, and I did not believe I could influence the actions of the group..."

At the time of the incident, the grievant had been employed seven weeks.

December 10, 1984

It was noted by the Committee that there was one employee in the group who was not disciplined nor interviewed by the Security Department for the incident while all the others were, notwithstanding protestations of innocence.

The operative alleged that on or about September 30, 1983, he observed the grievant in the company of five other employees drinking beer at lunch at Unit 18. The time card for the grievant shows he worked at Unit 13 on September 30, 1983. Various reports on four of the five other participants do not mention the grievant on that date. The only one which does mention the grievant sets the date as September 29, 1983.

Following the grievant's interview on December 12, 1983, he was suspended pending completion of the investigation. He was returned to work on December 14, 1983 and paid for the suspended days of December 12 and 13. On December 29, the grievant was directed to take January 3, 4 and 5, 1984 off as disciplinary action.

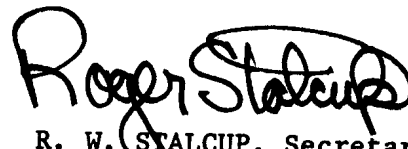
Decision

Based on the facts present in this case, the Pre-Review Committee agrees to restore to the grievant the three-day disciplinary layoff in accordance with Subsection 102.4(a) of the Physical Agreement, rescind the disciplinary letter of December 29, 1983 and remove from the personnel file any and all documents which make reference to this incident.

This case is closed based on the foregoing and the adjustment made herein. Such closure should be so noted in the minutes of the Joint Grievance Committee.



D. J. BERGMAN, Chairman
Review Committee



R. W. STALCUP, Secretary
Review Committee

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