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REVIEW COMMITTEE

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IBEW 

PACIFIC GAS AND ELECTRIC COMPANY
245 MARKET STREET, ROOM 444
SAN FRANCISCO, CALIFORNIA 94106
(415) 781-4211, EXTENSION 1125

NOV 16 1984
**CASE CLOSED
LOGGED AND FILED**

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W.
P.O. BOX 4790
WALNUT CREEK, CALIFORNIA 94596
(415) 933-6060
R.W. STALCUP, SECRETARY

D.J. BERGMAN, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

RECEIVED NOV 16 1984

General Construction Grievance No. 3-1271-84-3
P-RC 947

November 16, 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(v) of the grievance procedure, to the Local Investigating Committee for settlement in accordance with the following:

Facts of the Case

This case concerns a 20-day disciplinary layoff given to an Electrician for several alleged occasions of drinking beer, purchasing and bringing beer to the job site, and one occasion of smoking marijuana. 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

In this case, the undercover operative advised the Security Department that on September 15, 1983, he observed the grievant leave the job site in a Company vehicle (in the company of a number of other employees) and beer was purchased; that the grievant is one of the employees who purchased the beer; that the beer was consumed in the Company vehicle during the return trip to the job site and at a location near the job site. The operative further advised that he observed the grievant, on September 28, 1983, drinking beer while on the job. On September 30, 1983, the operative advised he observed the grievant and others drinking beer at a location near the job site during the lunch break, that following lunch, the grievant took an ice chest containing beer into the work site area, and that the grievant and others consumed beer from the ice chest during the afternoon. The operative also advised that on this same date, he observed the grievant and two other employees smoking a marijuana cigarette.

November 16, 1984

When interviewed by a representative of the Security Department on December 12, 1983, the grievant stated that he was present in the Company vehicle when it left the job site on September 15, 1983, and that beer was purchased and brought back onto the project site. He stated, however, that the beer was consumed after working hours. He denied drinking beer inside the fenced areas or in the buildings of the unit. He also denied smoking marijuana on the job site. At the conclusion of this interview, the grievant was placed on suspension. By letter dated December 29, 1983, the grievant was informed that the suspension was being converted to a 20-day disciplinary layoff.

When interviewed by the Local Investigating Committee on February 7, 1984, the grievant stated that on September 15, 1983, he purchased beer and lunch at the off-site location but did not consume the beer in the van or on the job site; that on September 28, 1983, he did not drink beer inside the fenced work area but did drink on the road while driving home; that he may have had a beer with lunch on September 30, 1983, but was back at work at the end of the regular lunch period; that he never smokes marijuana.


Following an exhaustive review of the records submitted by the Local Investigating Committee and a lengthy discussion of the facts in this case, the Pre-Review Committee concluded that the evidence submitted is convincing that the grievant did consume alcoholic beverages on more than one occasion and did smoke a marijuana cigarette on one occasion.

The Committee then discussed other cases involving discipline for drinking alcoholic beverages during working hours, particularly those cases involving first-time offenders, as is the case at hand. The Committee also noted that the grievant, who has a 1977 employment date, has no prior disciplinary history. Generally, in the earlier cases, the discipline was time off from a single to multiple days. It was also noted that this case is different from the others reviewed by the parties in that the activity at the Geysers involved many employees on an on-going basis as opposed to isolated instances involving a single employee and/or crew and that, unlike the other cases, the Geysers activity also involved drugs.

Decision

The Pre-Review Committee, after considering all the facts of this case, agreed to reduce the disciplinary layoff from 20 days to 10 days. The disciplinary letter to the grievant is to be revised to show the dates of December 13, 1983 through December 27, 1983 as the 10-day disciplinary layoff. December 27, 1983 through January 9, 1984, excluding January 6, 1984, shall be restored to the grievant. Payroll records show the grievant was already paid for January 6, 1984.

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