

REVIEW COMMITTEE

7.1 (P)

PG and E

IBEW

PACIFIC GAS AND ELECTRIC COMPANY  
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INTERNATIONAL BROTHERHOOD OF  
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R.W. STALCUP, SECRETARY

CASE CLOSED  
LOGGED AND FILED

DEC 10 1984

D.J. BERGMAN, CHAIRMAN

RECEIVED DEC 14 1984

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

General Construction Grievance No. 3-1274-84-6  
P-RC 961

December 11, 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 the 15-day disciplinary layoff given to a Hydro/Substation Mechanic for one alleged incident of drinking beer and one alleged incident of giving a marijuana cigarette to another employee. 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

The Security Department report concerning the grievant's activities states:

"...on or about September 28, 1983, he (operative) observed (grievant) drink a beer while on the job at the Geysers after lunch break. This occurred at Unit 18 in the tool trailer."

In reviewing the grievant's timecards, it is established that from August 17, 1983 to September 2, 1983, the grievant was assigned to Unit 15; from September 6, 1983 to December 2, 1983, he worked at Units 9 and 10. Beginning on December 7, 1983, the grievant worked at Units 7 and 8. This was the first date the grievant would have been working at the same units as the operative.

The supporting documentation is no more specific than the above quote. The grievant denies the drinking incident.

December 11, 1984

According to the operative, on his last day at work, December 9, 1983, the grievant gave him a Snickers candy bar as a going away present. In return, the operative offered the grievant a "couple of beers" from the case of beer the operative brought to the Geysers to celebrate his leaving. The grievant picked up the beers as he was leaving for the day and in return for the beers gave the operative a marijuana cigarette. The exchange, according to the grievant, took place after working hours and outside the substation fences.

#### Decision

The Pre-Review Committee agreed that the evidence concerning the alleged September 28 beer drinking incident is inconclusive. With respect to the gift exchange, the Committee believed that the operative is partially responsible for what occurred. The Committee further agreed that while the exchange may have taken place after hours and outside of PGandE's fenced leased area, the grievant nevertheless had possession of an illegal drug while at work; and the exchange took place at the work site.

Based on the facts present in this case, the Committee agreed to reduce the disciplinary layoff to three days.

The disciplinary letter is to be revised to reflect the reduction and delete reference to drinking beer.

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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