

REVIEW COMMITTEE

7.1 (P)

PG and E

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IBEW

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R.W. STALCUP, SECRETARY

**CASE CLOSED
LOGGED AND FILED**

DEC 28 1984

RECEIVED DEC 28 1984

D.J. BERGMAN, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

General Construction Grievance No. 3-1277-84-9
P-RC 963

December 28, 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(i) 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 a Hydro/Substation Mechanic for allegedly drinking beer, smoking marijuana, and allowing another employee to store marijuana in his truck. 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 operative reported observing the grievant on 10/22/83 drinking beer and smoking marijuana with several other employees during their lunch break. The grievant acknowledges that he and another employee drove to the site where other employees were gathered during lunch but that he and his companion did not participate in the smoking and drinking. The grievant indicated he had a new truck and challenged some of the other employees to "four wheel" up the hill. There were no takers so the grievant and his rider left the group.

In reviewing the documents concerning this incident, there are some troubling variations as to who was in attendance, how they arrived, and who engaged in what activity. There is also one memo which places the operative in another location altogether hitting golf balls. In all likelihood, the latter memo probably misstates October 22, 1983 as the golfing incident date, but the conflict with the other incident does tend to cast doubt on the accuracy of the alleged observed incidents.

It was reported by the operative that the grievant and another employee (the same one as before) left the Geysers on October 31, 1983 in a Company vehicle for the purpose of purchasing beer at Whispering Pines. They returned and passed the beer around to other employees. None of these other employees are named nor was a location cited.

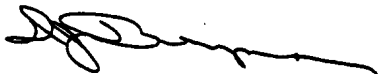
During the interview with the Security Department, the grievant stated he had only been off site in a Company vehicle once, and that was when his Working Foreman gave his friend permission to take him home in a Company vehicle because he was sick. The grievant did not know the date. A check of the timecards show that the grievant was in fact off sick four hours on the afternoon of 10/31/83. The timecards also show that the operative was off four hours personal business that same afternoon, which raises the question of how the operative observed the two employees returning to the job site with beer. Further, it is very unlikely that the grievant would return to the Geysers to drink beer when he'd been excused as sick for the afternoon.

The grievant was also disciplined for allowing another employee to store marijuana in his truck. The other employee was discharged for selling marijuana to the operative which (according to the operative) was taken from under the seat in the grievant's truck. The grievant acknowledged that he and the other employee commuted together but that he was not aware of the other employee's actions.


Decision

Based on all of the circumstances present in this case, the Pre Review Committee agrees to restore to the grievant the 20 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.

The case is considered closed on the basis of the above adjustments and 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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