

REVIEW COMMITTEE**PG and E**PACIFIC GAS AND ELECTRIC COMPANY
245 MARKET STREET, ROOM 444
SAN FRANCISCO, CALIFORNIA 94106
(415) 781-4211, EXTENSION 1125

D.J. BERGMAN, CHAIRMAN

- DECISION
 LETTER DECISION
 PRE-REVIEW REFERRAL

IBEW 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**CASE CLOSED
LOGGED AND FILED****RECEIVED DEC 16 1987**East Bay Division Grievance Nos. 1-2520-86-163, 1-2525-86-168
and 1-2530-86-173
P-RC 1206

September 14, 1987

ERIN ANDRE, Company Member
East Bay Division
Local Investigating CommitteeART MURRAY, Union Member
East Bay Division
Local Investigating Committee

The above-subject grievances have been discussed by the Pre-Review Committee prior to docketing on the agenda of the Review Committee and are being returned, pursuant to Step 5A(ii) of the grievance procedure, to the Local Investigating Committee for settlement in accordance with the following:

Facts of the Cases

Pre-Review Committee No. 1206 is composed of three related cases concerning the same grievant, an Equipment Operator, later Fieldman, who was first hired on June 13, 1966. Prior to the first of these three incidents, Grievant had been disciplined six times, including twice within the last three months. These very recent actions were three days without pay for being unfit for duty and driving without a license and one day without pay for tardiness. The three grievances under consideration are:

Grievance 1-2520-86-163

Following a disciplinary letter and one-day off for tardiness on August 11, 1986, the Grievant, on August 19, 1986, was late for work and did not call in until after 7:40 a.m. His regular starting time was 7:30 a.m. In addition, on September 3, 1986, the Grievant was involved in an avoidable automobile accident while driving a backhoe. Further, on September 8, 1986, Grievant ran a personal errand on Company time and in a Company vehicle and was later found

asleep on the job during working hours. Grievant was given a disciplinary letter and five days off without pay for the totality of his work record. He was encouraged to seek help through the Employee Assistance Program.

Grievance No. 1-2525-86-168

On September 16, 1986, the Grievant failed to follow the proper procedures and violated Accident Prevention Rules 10 and 11 while digging a bell hole.

The Grievant was demoted from Equipment Operator to Fieldman in accordance with Section 206.15 of the Agreement and received a disciplinary letter warning him of the consequences of failing to perform all his duties in a fully satisfactory manner.

Grievance 1-2530-86-173

On October 14, 1986, the Grievant failed to report for work or call in prior to 7:30 a.m., the start of the workday. Grievant called in at 8:04 a.m. Grievant was terminated for the totality of his past work record.

The Grievant had been referred to a physician for a Fitness for Duty examination on two occasions. Neither examination revealed any substance abuse problems.

Discussion

The Committee reviewed all the parts of Pre-Review Committee No. 1206. Both Company and Union have discussed this case extensively at every step of the procedure.

Union argued that there were mitigating factors which should be considered in reversing the discharge of the Grievant. The length of the Grievant's service was stressed. Union pointed out the rapid deterioration of Grievant's performance and attendance after years of good work. Further, Union argued that the Grievant's acknowledgement of his substance abuse problem and self-referral to a treatment facility following his termination should influence the decision. Union proposed that Grievant be granted a Leave of Absence and conditional reinstatement as a Fieldman, without back pay, following completion of his current treatment and with on-going treatment in a state certified program and substance abuse monitoring.

The Company stated that Grievant's long service was considered in every disciplinary action, including the demotion and "final" letter of September 16, 1986. While Company applauds Grievant's actions in seeking help with his personal problems, acknowledgement of such came only after Grievant had been terminated. Not only had Grievant denied that he had any such problem, two Fitness for Duty examinations failed to establish a problem. No medical evidence of the problem has been produced.

September 14, 1987

The "rehabilitation" program the Grievant has entered states that it is "a drug and alcohol recovery facility." However, the program is not certified by the State of California.

Company expressed concern that employees should understand that claiming a substance abuse problem and/or seeking treatment for such a problem is not a mechanism for avoiding a proper discharge or the jeopardy of such.

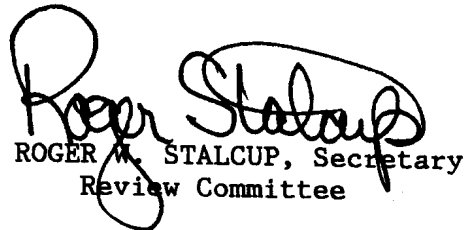
The Grievant was given sufficient opportunities to avail himself of help through Employees Assistance Program and through external medical professionals, but failed to do so. He denied the existence of any problem until after he was terminated. Grievant was given repeated opportunities to correct his work record, irresponsible conduct, absenteeism and other problems prior to termination. The number of disciplinary actions taken, as well as the specific actions, were appropriate considering his years of service.

Decision

Based on the foregoing, the Committee agrees that Grievant was properly discharged for just cause and, therefore, the case is settled without adjustment. Such closure should be so noted by the Local Investigating Committee.



DAVID J. BERGMAN, Chairman
Review Committee



ROGER M. STALCUP, Secretary
Review Committee

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