



REVIEW COMMITTEE

IBEW



PACIFIC GAS AND ELECTRIC COMPANY
201 MISSION STREET, 1513A
SAN FRANCISCO, CALIFORNIA 94105
(415) 973-1125

MAY - 7 1993

**CASE CLOSED
LOGGED AND FILED**

RECEIVED MAY - 4 1993

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

San Francisco Division Grievance No. SFO-92-1
P-RC 1600

KAREN KURT, Company Member
San Francisco Division
Local Investigating Committee

ED CARUSO, Union Member
San Francisco Division
Local Investigating Committee

Subject of the Grievance:

This case concerns the discharge of an Apprentice Fitter in San Francisco Division for testing positive on a DOT post-rehabilitation drug test.

Facts of the Case:

On May 28, 1991 the grievant tested positive on a DOT random drug test. On June 12, he received authorization to return to work and signed a Return to Work Agreement on June 14 which stated,

I understand that if I test positive for any prohibited drugs, including legal drugs for which I do not have a prescription, during the next sixty (60) months, I am subject to immediate discharge.

On November 26, 1991 the grievant underwent a post-rehabilitation drug test, however his specimen was found to be diluted. He was given another test on December 3 and tested positive for the same drug that was found during the May 28, 1991 test. A split sample tested by a second laboratory confirmed the positive test results.

The grievant denied taking any illegal drugs and attributed the positive results to prescription medications he was taking for back and rib injuries and an ear infection. He stated that he failed to inform the Medical Review Officer of these prescription drugs.

A subsequent discussion between the Medical Review Officer and the physician treating the grievant's ear infection and rib injury determined that none of the medications he prescribed contained cocaine and could not account for the positive test results.


Discussion:

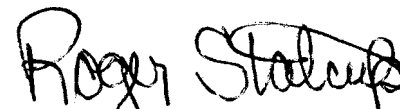
The Pre-Review Committee obtained correspondence from a second physician that had prescribed medications to the grievant for his back injury. The physician reported that the prescribed medications did not have a cocaine base and were not a derivative of cocaine and could not have caused the positive test results.

Decision:

The Pre-Review Committee determined that the Company had followed the correct procedures during the post-rehabilitation drug test, including obtaining a split sample and having the samples tested by two independent laboratories. It was also determined that the grievant was unable to provide any evidence that prescription medication he was taking caused the positive test results. The Committee agreed to sustain the discharge in accordance with the DOT Drug Free Pipeline Program.

On the basis of the above, this case is closed and should be so noted by the Local Investigating Committee.


David J. Bergman, Chairman
Review Committee


Roger W. Stalcup, Secretary
Review Committee

Date 4-30-93

Date 4/26/93

SARayburn(223-6274): nj