



REVIEW COMMITTEE

7.1 -Appropriateness
of transfer drug
tests req'd by State
Fire Marshall.



IBEW

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JUL 26 1995

**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
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R.W. STALCUP, SECRETARY

JOHN A. MOFFAT, CHAIRMAN

RECEIVED JUL 26 1995

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

Steam Generation Grievance No. PPP-92-4
Fact Finding File No. 5275-92-161
P-RC File No. 1627
ENCON Grievance No. 3-2384-92-90
P-RC File No. 1645

Statement of the Grievance:

These cases concern the drug testing of employees prior to reporting for certain classifications at the Power Plants.

Facts of the Cases:

Effective April 1, 1992, the Department of Transportation Anti-Drug Program for Pipeline Personnel became effective for operators of intra-state pipelines. Its provisions are enforced by the California State Fire Marshall's office. For several months prior to April 1, 1992, the Company and Union engaged in negotiations over the application of the law to our facilities, classifications, and employees. Those negotiations were discontinued so that the Union could communicate with the Department of Transportation (DOT) concerning the DOT's interpretation of certain provisions of the law. In addition, on April 1, 1992, the Union filed an emergency motion in the U.S. Ninth Circuit Court seeking a stay in the random drug testing of power plant employees and requested a waiver from the DOT to end all drug testing for power plant employees. The DOT voluntarily delayed the random drug testing, but did not delay other provisions nor respond to the interpretation questions. To date, it still has not.

On April 1, 1992, the Company implemented testing for the following reasons: transfer to a covered classification; reasonable cause, post-accident, and post-rehabilitation. The transfer testing is what led to these two grievances.

In case P-RC 1627, a Steam Heat Engineer wanting to transfer into an Auxiliary Operator at Pittsburg Power was required to submit to testing. He passed and was transferred on or about June 6, 1992 to Auxiliary Operator. He has since transferred to the non-covered Meter Reader classification effective March 27, 1995.

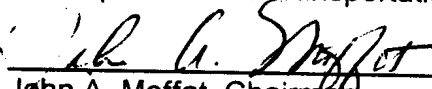
In case P-RC 1645, a General Construction Painter A was released to return to work from Worker's Compensation Payroll. He was assigned to work at McDonald Island and therefore required to be tested. he passed, reported, and has since returned to the Compensation Payroll effective January 12, 1995.

Discussion:

The parties have attempted to have our questions answered through the proper authorities and notwithstanding the passage of several years, there has been no response beyond the suspension of the random testing. In addition, the P-RC Committee is unaware of any ongoing or scheduled discussions between the parties. Company has continued to comply with the Anti-Drug Pipeline program as we interpret our obligations.

Decision:

Based on the foregoing, the Pre Review Committee agrees to close these cases without adjustment and without prejudice to the Union's position until such time as there may be further information from the Department of Transportation.



John A. Moffat, Chairman
Review Committee



Roger W. Stalcup, Secretary
Review Committee

6/30/95
Date

6/30/95
Date