

7.1 -Insufficient justification
for suspension & fitness
for duty exam.



REVIEW COMMITTEE

IBEW



PACIFIC GAS AND ELECTRIC COMPANY
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DEC - 9 1993

**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

RICK R. DOERING, CHAIRMAN

RECEIVED DEC - 9 1993

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

San Francisco Division Grievance No. SFO-92-43
P-RC 1679

DEB DRAZNIN, Company Member
San Francisco Division
Local Investigating Committee

FRANK SAXSENMEIER, Union Member
San Francisco Division
Local Investigating Committee

Subject of the Grievance

Grievant was inappropriately given two Oral Reminders and suspended for 17 days for refusing to undergo a fitness for duty examination.

Facts of the Case

The grievant is a lineman in San Francisco Division with seven years service. On August 31, 1992, the grievant was given an Oral Reminder in the work performance category for an unsafe work practice on August 19, 1992. On September 1, 1992, the grievant received another Oral Reminder in the attendance category for a no call, no show on August 28, 1992 and for being tardy on September 1, 1992

The grievant was asked to undergo a fitness for duty examination on September 1, based on concerns that he was taking prescription medication which might have interfered with his work performance. The grievant refused to participate in the fitness for duty exam and was suspended.

On September 11, 1992 the Company sent the grievant a letter stating that his physician had advised a Company Employee Assistance Counselor that his prescription medication levels should not be interfering with his work, but that a secondary medical condition had been identified which prevented the grievant from returning to work. The September 11 letter advised the grievant that he was required to provide a full medical release or request a medical leave of absence by September 18, 1992 or his employment would be terminated. The grievant returned to work on September 18 with a full medical release.

Discussion

The Pre-Review Committee focused its discussion on whether it was appropriate to send the employee for a fitness for duty exam. There was no discussion on the appropriateness of the Oral Reminders.

The Union expressed concern that the Company had failed to follow its established Fitness for Duty Guidelines. The Company's procedures provide for a supervisor to complete a questionnaire on the Medical Clarification Examination Form (62-5611) documenting abnormal employee behavior. The supervisor is required to sign the form. A second supervisor is then required to observe the employee, confirm the questionable behavior, and sign the form. If both supervisors determine that an employee's behavior is abnormal, it is appropriate to require the employee to undergo a fitness for duty exam.

The Pre-Review Committee reviewed an unsigned checklist. The checklist includes questions on an employee's equilibrium, manner of speech, mental reactions, odor of intoxicants, coordination, eye/general appearance, and general behavior. No abnormal behavior was observed, however written comments questioned whether the employee's prescription medication may be impacting his work performance.

Decision:

The Pre-Review Committee determined that there was no basis for abrogating the Oral Reminders. The Committee noted that the Company failed to follow its own fitness for duty procedures that led to the grievant's suspension from work. The grievant will receive back pay for the days that he was suspended.

This case is closed on the basis of the above and such closure should be so noted by the Local Investigating Committee.


JOHN A. MOFFAT, Chairman
Review Committee


ROGER W. STALCUP, Secretary
Review Committee

Date: 12/8/93

Date: 12/9/93