



REVIEW COMMITTEE

IBEW



PACIFIC GAS AND ELECTRIC COMPANY
201 MISSION STREET, ROOM 1508
MAIL CODE P15B
P.O. BOX 770000
SAN FRANCISCO, CALIFORNIA 94177
(415) 973-8510

RECEIVED NOV 12 1997

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W
P.O. BOX 4790
WALNUT CREEK, CALIFORNIA 94596
(510) 933-6060
R.W. STALCUP, SECRETARY

CASE CLOSED
FILED & LOGGED

MARGARET A. SHORT, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

Peninsula Division Grievance No. BEL-97-02
Fact Finding No. 6505-97-036
Pre Review Committee NO. 2100

VERN WITTMAN
Company Member
Local Investigating Committee

HUNTER STERN
Union Member
Local Investigating Committee

Subject of the Grievance

This case concerns the discharge of a long service Gas Service Representative for having a positive random drug test. It was the first positive test for this employee, however, he was already on an active DML.

Facts of the Case

On March 17, 1997 grievant took a random drug test in accordance with the DOT Drug Free Pipeline Program. The grievant indicated this was the fourth or fifth time he had taken a random screen since the program was implemented in 1990. On March 19, 1997 the grievant spoke by telephone to the Medical Review Officer who determined the test result to be a verified positive.

On May 10, 1996 the grievant was issued a Decision Making Leave for falsifying his time card and for failure to keep an appointment with a customer. The DML was grieved and upheld. Following the DML, the grievant received three coaching and counseling in the attendance category for suspicious use of sick leave. The most recent coaching and counseling was on March 4, 1997.

The grievant was discharged effective March 24, 1997.

Discussion

The Union stated they believed this to be the first case of a regular employee being terminated for a first-time positive and that the employee should have been given an opportunity to enroll in a rehabilitation program.

Company stated that this may well be the first such case, however, the employee was already on a DML which sets this employee apart from the other first time positives. Company noted that Letter Agreement 90-86 which established the procedures for the Drug Free Pipeline Program, Appendix F, Item 15, states in part:

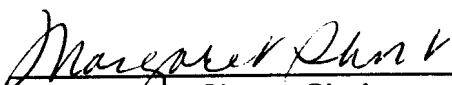
"An employee who has a verified positive drug test result will be immediately removed from their work responsibility and be considered as a first time offender under the First Time Offender program " The First Time Offender Program is outlined in Letter Agreement 87-55. Under Item IV, Discipline, it states:

"An employee covered by this policy who has no active discipline shall receive a Written Reminder in the Conduct category. This policy does not preclude the discharge of an employee for the first-time violation of any prohibitions listed in Section II if the employee's prior employment/disciplinary history is unsatisfactory."

Based on the above, Company made the decision to discharge the grievant. The Pre-Review Committee reviewed testing and disciplinary records for 1995, 1996, and through September 1997 to determine that there were no other employees who had a first time positive who were on a DML.

DECISION

After a thorough review of the facts of this case, the Committee agrees the discharge was for just and sufficient cause and closes this case without adjustment.



Margaret A. Short, Chairman
Review Committee

11/5/97

Date



Roger W. Stalcup, Secretary
Review Committee

11/5/97

Date