



# REVIEW COMMITTEE



## IBEW

PACIFIC GAS AND ELECTRIC COMPANY  
2850 SHADELANDS DRIVE, SUITE 100  
WALNUT CREEK, CALIFORNIA 94598  
(510) 974-4282

**CASE CLOSED  
FILED & LOGGED**

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

**RECEIVED JUN 23 1998**

MARGARET A. SHORT, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

DeAnza Division No. DEA-97-02  
Fact Finding No. 6522-97-053  
**Pre-Review Committee No. 2102**

**YVONNE WONG**  
Company Member  
Local Investigating Committee

**KATHY MAAS**  
Union Member  
Local Investigating Committee

### Subject of the Grievance

This case concerns the release with a 12 month letter of a Hiring Hall Gas Service Representative for having a positive DOT random drug screen.

### Facts of the Case

The grievant was hired October 23, 1995 as a HH Field Serviceperson and then converted to a HH Gas Service Representative on October 1, 1996. On January 28, 1997, he took a random drug test and on January 30, spoke with the Medical Review Officer who determined the test to be a verified positive. On February 3, 1997, the grievant was returned to the HH with a 12 month letter.

### Discussion

The Union stated the grievant had worked for more than a year continuously with no prior problems and should be allowed to return to work in less than 12 months with evidence of successful completion of a drug rehabilitation program at his own expense.

The Company stated that releasing HH employees with a 12 month letter for having a positive test had been the uniform practice once the MRO verified the test result. HH employees were not referred to the Employee Assistance Program for evaluation so that the MRO could prescribe an appropriate course of action, further that HH employees have not been subjected to the steps of Positive Discipline but released as unsuitable.

The Pre-Review Committee referred this case to the Hiring Hall Overview Committee at the request of the Union. The Overview Committee at its meeting of July 29, 1997 reached the following agreement:

"The parties affirmed that pre-employment drug testing does not provide for appeals except in those situations where individuals provide bona fide medical opinion that could explain a positive test. Further, hiring hall employees subject to post-hire drug testing will be treated in the same manner as regular employees for such testing."

#### Decision

A Hiring Hall employee who has worked for six consecutive months or more who has a positive drug or alcohol test will talk to the MRO for verification of the positive test. The HH employee will also talk with the DOT Program Administrator and then be referred to the EAP Representative for evaluation. The MRO will prescribe a course of treatment.

If the employee is required to be off work, the employee will be returned to the HH and precluded from dispatch again until such time as the employee provides satisfactory proof, as determined by the MRO or EAP, of completion of the recommended course of treatment. At that time, the employee may be redispached and would be subject to a pre-employment drug screen and a return to work alcohol test (if alcohol was the original positive test). Upon return to work, the employee will be subject to the After Care provisions of unannounced follow-up testing, as well as, random testing, if returned to a DOT covered classification. A memo to the employee's file will be made that the employee had a positive drug or alcohol screen and if ever the employee has a second positive test, the employee will be terminated and not eligible for rehire through the Hiring Hall or regular employment (not limited to 12 months). Employees who successfully complete the prescribed rehabilitation will be covered by the First Time Violators Policy, be required to sign a Last Chance Agreement, and be given written documentation of the consequence of a second positive test.

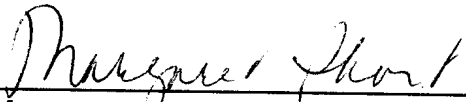
If an employee with a positive result is allowed by the MRO to return to work immediately after verification of a positive test, then the employee will be returned to the position held prior to the positive test if the work is still available.

As Hiring Hall employees are not eligible for company paid benefits, and costs associated with rehabilitation are to be borne by the employee.

No employee with a positive drug or alcohol screen will be considered for reemployment or allowed to return to work without providing documentation of rehabilitation and the consent of the MRO regardless how long the employee has been off work. For HH employees with less than six consecutive months of service, the existing practice will continue which is returned to the HH with a 12 month letter. Such former HH employees will not be considered again for employment unless they can provide satisfactory documentation of rehabilitation.

With regard to the grievant in the instant case, it is noted that he has not re-signed the HH books since his release. If he is interested in again working through the HH, then it is agreed that the MRO will be asked to make a recommendation as to rehabilitation. His status as to eligibility for referral will follow the guidelines outlined in this decision.

This case is closed on the basis of the foregoing.

  
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Margaret A. Short, Chairman  
Review Committee

6/19/98  
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Date

  
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Roger M. Stalcup, Secretary  
Review Committee

6/19/98  
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Date