



# REVIEW COMMITTEE



## IBEW

PACIFIC GAS AND ELECTRIC COMPANY  
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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

General Construction Grievance No. SJO-97-22  
Fact Finding Case No. 6583-97-114  
Pre-Review Committee No. 2133

**KATHY RICHARDS**  
Company Member  
Local Investigating Committee

**KATHY MAAS**  
Union Member  
Local Investigating Committee

### Subject of the Grievance

This case involves a Decision Making Leave issued to a Working Foreman B for provoking a fight with another employee, being under the influence of alcohol, and making inappropriate remarks towards other employees. In addition, the DML letter notes that the grievant abused his sick leave and another such incident will result in his discharge.

### Facts of the Case

On Tuesday, May 27, 1997, the grievant called in sick. He had been partying all weekend over the Memorial Day Holiday and felt sick when he awoke. He had three drinks to help him feel better. By 4 p.m. that day he did feel better so he picked up a 12 pack of beer and took it to meet other employees just outside his work headquarters. He arrived about 4:20 p.m. The other employees were off work at 4:30 p.m. The employees talked, drank, and sat on a bench that is attached to one of Company's buildings, but is on public property.

At about 7 p.m. the grievant engaged in a physical altercation with a probationary Utility Worker. The Utility Worker was terminated as unsuited.

The grievant realized he had a drinking problem, contacted EAP, entered and successfully completed an alcohol treatment program. This was a self-referral.

The grievant had no active discipline at the time of this incident. The DML was issued, July 13, 1997, six weeks after the incident.

Discussion

The Union opined that just cause did not exist to discipline the grievant in that the drinking and fighting took place after work hours and off Company property. Company opined that the events took place within proximity to the workplace, that the comments leading to the fight were disparaging to certain employees and supervisors, that employees were involved.

While no agreement was reached on the above matter, the PRC noted that one of the main reasons for disciplining employees is to try to change behavior. In this instance, the grievant did take the opportunity to address his alcohol abuse and after the DML maintained a satisfactory record. The PRC also learned that the grievant recently went off work (04/28/98) due to a broken leg and is not expected to return for some time.

Decision

Given the specific facts of this case, the PRC agrees that the reference to the grievant abusing sick leave on May 27, 1997 and the resultant career lifetime consequence for a second offense is appropriate. Also, given that the Union remained unconvinced that just cause existed for the discipline and the specific facts of this case: that the grievant successfully completed a treatment program, had the DML been issued closer to the date of the incident it would be deactivated by now, and that the grievant will be off work until after the DML would normally expire, the PRC agreed without prejudice to the deactivation of the DML effective with the signing of this decision.

However, the grievant should be aware that a second incident involving abuse of sick leave may result in his immediate discharge.

This case is closed on the basis of the foregoing.

Margaret A. Short  
Margaret A. Short, Chairman  
Review Committee

6/11/98  
Date

Roger W. Stalcup  
Roger W. Stalcup, Secretary  
Review Committee

6-11-98  
Date