

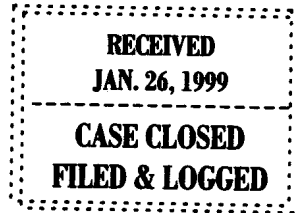


REVIEW COMMITTEE

IBEW



PACIFIC GAS AND ELECTRIC COMPANY
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INTERNATIONAL BROTHERHOOD OF
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LOCAL UNION 1245, I.B.E.W.
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WALNUT CREEK, CALIFORNIA 94596
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R.W. STALCUP, SECRETARY

MARGARET A. SHORT, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

Sacramento Division Grievance No. SAC-97-10
Fact Finding File No. 6556-97-87
Pre-Review Committee No. 2156

JAYNE ROCCI-SMITH
Company Member
Local Investigating Committee

WAYNE GREER
Union Member
Local Investigating Committee

Subject of the Grievance

Grievant alleges error in ruling him positive on a DOT transfer drug screening and the subsequent denial of a Fieldperson/Vacaville position.

Facts of the Case

Grievant was on Long Term Disability at the time he was sent for the DOT transfer test on February 12, 1997. The grievant testified that at that time he was a care provider for a quadriplegic who smoked marijuana. The grievant stated he would light the marijuana cigarette for his ward, but would not inhale. The grievant further testified that he went to a clinic in Oakland to give a specimen. After giving a specimen, the grievant poured it into two bottles, watched as they were sealed, and then initialed the bottles.

That evening the grievant received a call from the clinic because they had failed to have him sign the Chain of Custody form. He returned the next day to Oakland and signed the form.

The results of the test were verified positive for THC.

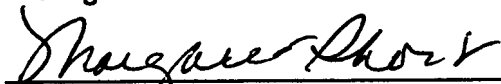
The grievant was not allowed to report to the vacancy. He did complete a rehabilitation program prescribed by the MRO and was able to return to work shortly thereafter effective May 14, 1997 as a Fieldperson. The grievant signed a DOT Return to Work Agreement, which subjects him to unannounced follow-up testing for five years in addition to being in the random pool and any random tests which may arise.

Discussion

The parties reviewed the documentation in this case and sought opinion from subject matter experts. These resources were satisfied that the failure to get the grievant's signature at the time he gave the specimen, while an error, was not sufficient to overturn the verified positive.

DECISION

PRC agrees to close this case without adjustment.



Margaret A. Short, Chairman
Review Committee

1/20/99

Date



Roger W. Stalcup, Secretary
Review Committee

1/20/99

Date