



REVIEW COMMITTEE

IBEW



PACIFIC GAS AND ELECTRIC COMPANY
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RECEIVED
APR. 28, 1999
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

MARGARET A. SHORT, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

Penninsula Case No. BEL-98-15
Fact Finding File No. 6812-98-187
Pre-Review Committee No. 2209

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 Foreman's Clerk for sale of drugs in the work place.

Facts of the Case

The FBI had been investigating an incident involving sabotage at one of the company's substations. Several employees were interviewed. Some time following those interviews with the FBI, the Security Department was contacted by employees who wanted to share information they had which may have contributed to the substation incident.

An arrangement was worked out with the Union and the employees to grant immunity from termination for infractions these employees may have been involved in unless those offenses involved sale of drugs or involvement in the sabotage of the substation. Interviews were conducted with three employees which then led to interviews with two other employees.

The first three employees provided information concerning drug use and sale during work hours and on company property. They identified three employees who sold drugs. They also acknowledged their own use and that they had purchased from these three. Two of the employees identified as sellers had previously been discharged for other reasons. The one remaining employee was still at work. Two witnesses indicated they purchased cocaine from the grievant on several occasions over an extended period of time. They signed written statements to that effect. The third witness indicated he is familiar with drug activity and behavior. His observations were that the grievant was a user and a seller. He also indicated

the grievant had approached him and held out for him to see a package he believed to be cocaine for purchase, but that no words were exchanged.

When interviewed by Security, the grievant acknowledged her drug use at work and that she regularly shared drugs with other employees but that she did not sell drugs at work. She denied sharing drugs with one of the male witnesses as she stated there was no opportunity since she always did the drugs in the women's bathroom. In another part of her statement, the grievant stated that several employees, including other males, regularly shared drugs at work. Everyone reciprocated. The grievant acknowledged buying drugs outside of work from two of the employees. These are two of the same employees she says she shared with at work.

The grievant further testified that other employees were lying about her selling. She believed they did this after the FBI and Grand Jury investigations because they believed her to be a "snitch".


Discussion

In a case such as this where there is conflicting testimony it is often necessary to establish credibility to be able to resolve the grievance. The grievant has a vested interest in not admitting to the sale of drugs. She does, however, admit to regular drug use. She talks about the significant expense of her drug of choice and that she purchased from some of the same people outside of work that she could get for free at work. There were other inconsistencies in her testimony as noted above under the Facts. In addition, it challenges a reasonable person to think that people give away such expensive drugs. At one point in her testimony the grievant stated she did not share when she had a gram because of the expense but did share when she had a 1/16th. It is difficult to believe that one would share when they had less than when they had more.

The PRC concludes that there is sufficient evidence to question the grievant's credibility and insufficient evidence to impeach the testimony and signed written statements of the two primary witnesses that stated they had purchased cocaine from the grievant in the workplace.

Decision

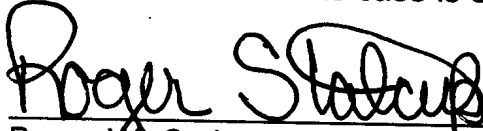
The PRC agrees the discharge was for just and sufficient cause. This case is closed without adjustment.



Margaret A. Short, Chairman
Review Committee

4/23/99

Date



Roger W. Stalcup, Secretary
Review Committee

4/16/99

Date