



REVIEW COMMITTEE

IBEW



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INTERNATIONAL BROTHERHOOD OF
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CLAIRE IANDOLI, CHAIRPERSON

KIT STICE, SECRETARY

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

Pre-Review Committee Number 24097 Electric Operations–Restoration– Bakersfield

Maria Eggert
Company Member
Local Investigating Committee

Mark Rolow
Union Member
Local Investigating Committee

Subject of the Grievance

This case concerns the termination of a Troublemaker who reported to work under the influence of alcohol and had a motor vehicle incident in violation of the Employee Code of Conduct.

Facts of the Case

Grievant was a 26 year employee at the time of his termination and was not on active discipline at the time of this incident.

On January 29, 2017, Grievant received a call for service and reported to the job site 20 minutes later. There were numerous law enforcement vehicles at the site when Grievant arrived in his Company vehicle. While Grievant was looking up at the pole that needed service, he hit a California Highway Patrol (CHP) officer's patrol car. The CHP officer smelled alcohol on Grievant's breath and questioned whether Grievant had been drinking; Grievant failed a field sobriety test and was arrested by the CHP following the collision with the CHP vehicle.

Grievant was found to have a blood alcohol level of .08 and was arrested for Driving under the Influence to which he later pled no contest to Vehicle Code 23103 in lieu of DUI.

A Corporate Security investigation was conducted following Grievant's arrest and confirmed these facts.

Discussion

The Union argued that Grievant should be eligible for the first time offender program under the DOT reasonable suspicion testing policy which would subject him to a Written Reminder and a "Last Chance Agreement" not discharge. They also note he was a long term employee with 26 years of service and was not on active discipline at the time of the incident.

The Company relied upon Review Committee (RC) Decision Nos. 18528, 20811 and 19476 which upheld the termination of employees who were found to be unfit for duty and reported to work under the influence. In RC No. 18528, Grievant was driving under the influence and was arrested; in RC No. 20811, the Supervisor completed a Fitness for Duty behavioral observation checklist and Grievant refused to submit to a body fluid test and in RC No. 19476, Grievant reported to work unfit and drove a Company vehicle under the influence of alcohol.

Decision

The Committee discussed this case at length and agreed that Grievant violated the Company's Code of Conduct by reporting to work unfit for duty and driving a Company vehicle under the influence of alcohol which resulted in a motor vehicle accident and his arrest for DUI. There was just and sufficient cause for Grievant's termination. This case is closed without adjustment.

Claire Ieri 3/22/18
Claire Iandoli, Chairperson Date
Review Committee

Kit Stice 3-22-18
Kit Stice, Secretary Date
Review Committee