

REVIEW COMMITTEE**PG and E****IBEW**

PACIFIC GAS AND ELECTRIC COMPANY
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 SAN FRANCISCO, CALIFORNIA 94106
 (415) 781-4211, EXTENSION 1125

CASE CLOSED
LOGGED AND FILED

RECEIVED APR 28 1987
REVIEW COMMITTEE DECISION

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

D.J. BERGMAN, CHAIRMAN

- DECISION
 LETTER DECISION
 PRE-REVIEW REFERRAL

Steam Generation Grievance No. 24-200-86-73
 Review Committee File No. 1646-86-17

Subject of the Grievance

This case concerns the discharge of a Geysers Power Plant Materialsman for alleged involvement in theft of Company property and sale of drugs at the work place.

Facts of the Case

On April 2, 1986, an undercover operative was placed at the East Geysers Materials Warehouse to investigate suspicions of illegal drug activity and theft of Company property. Shortly thereafter, the operative asked the grievant if another employee would sell him (the operative) drugs. According to the operative, the grievant stated that it would be best if he (the grievant) asked the other employee for the drug purchase. Following this conversation, the operative pursued the drug purchase with the grievant on several occasions for approximately 15 days. According to the operative, while at work on Saturday, May 3, 1986, he gave the grievant \$30 to purchase methamphetamine from the other employee. Approximately 30 minutes later, the grievant returned with a quantity of methamphetamine. That evening, the drug was turned over to the Lake County Sheriff's Department and later tested positive for methamphetamine by an independant drug detection lab.

The grievant acknowledged being approached several times a day for approximately 15 days by the operative to purchase drugs but denied purchasing or selling drugs to the operative or any other employee.

On the issue of alleged involvement in theft, the operative's daily report for May 4, 1986 indicates that the grievant told the operative that when he (the grievant) first came to the Geysers, he and another employee were sent to pick up some material in a Company truck at Unit 13. While at Unit 13, the other employee noticed an air conditioner and had the grievant assist him in loading the air conditioner on the truck. They then proceeded to Middletown and unloaded the air conditioner at a place of business owned by the other employee. The grievant told the operative that at the time, he did not know the other employee was going to steal the air conditioner. In a statement given to the Security Department Representative on June 10, 1986, the grievant claimed that he thought the other employee had permission to take the air conditioner; and since the other employee was acting in a lead capacity at that time, the grievant did not question him. The other employee was subsequently discharged for theft of Company property, but the aforementioned air conditioner was not one of the items he was accused of stealing.

Discussion

The Committee discussed the various aspects of this case in great detail. It was agreed that there was insufficient evidence to support discharge on the allegation of involvement in theft of Company property. On the drug sale issue, the Committee examined numerous documents including time records of the operative, grievant and other involved employees; the operative's daily report log; chain of evidence form; and drug analysis report. While the Committee found some discrepancies and conflicting information, overall the evidence supplied by the operative was convincing, despite the grievant's denials.

Decision

The Review Committee is in agreement that on May 3, 1986 the grievant sold drugs to the operative. This sale is in violation of the Company's Drug Policy. In accordance with that policy and consistent with Review Committee Decisions 1593, 1594, 1595, 1596 and 1597, the discharge of the grievant was for just and sufficient cause.

This case is closed without adjustment.

FOR COMPANY:

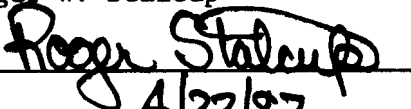
Floyd C. Buchholz
Ron A. Morris
Robert C. Taylor
David J. Bergman

By 

Date 4-24-87

FOR UNION:

Patrick S. Nickeson
Fred H. Pedersen
Arlis L. Watson
Roger W. Stalcup

By 

Date 4/23/87