

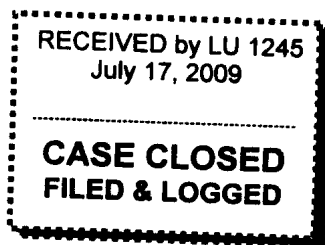


PACIFIC GAS AND ELECTRIC COMPANY  
LABOR RELATIONS DEPARTMENT  
MAIL CODE N2Z  
P.O. BOX 770000  
San Francisco, CA 94177  
(415) 973-6725

JOHN MOFFAT, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

## REVIEW COMMITTEE



INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS, AFL-CIO  
LOCAL UNION 1245, I.B.E.W.  
P.O. BOX 2547  
VACAVILLE, CALIFORNIA 94696  
(707) 452-2700  
BOB CHOATE, SECRETARY

**Review Committee No. 18641**  
Sacramento – Bill Print – West Sacramento

Marlene Brock  
Company Member  
Local Investigating Committee

Arlene Edwards  
Union Member  
Local Investigating Committee

### Grievance Issue:

This grievance concerns the termination of a Utility Machine Operator for consumption of alcohol on Company property during his lunch period in violation of USP 1.

### Facts of the Case:

The grievant was hired on March 16, 2006 and was terminated on September 26, 2008.

The grievant was terminated for violation of USP 1, consumption of alcohol on Company property during his lunch period. The grievant had no active discipline at the time of the discharge.

On January 25, 2008, the grievant sign the Employee Conduct, USP1 form which states "I have read and understand the above employee conduct summary." The summary states that "...consuming alcohol while on duty, including overtime, will result in termination." The document further defines use of alcohol in part as "Consume alcohol while on duty, including lunches and overtime meals or on Company property...."

The grievant was interviewed by Corporate Security on September 16, 2008 regarding a report that the grievant consumed alcohol at lunch time on September 12, 2008. A department investigation was initiated and subsequent to the initiation of that investigation the Compliance and Ethics department had been contacted and the Security department became involved on September 15, 2008.

On September 17, 2008, the grievant admitted to the Security Department that he consumed a beer while on his lunch break while he was parked on Company property on September 12.

Discussion:

The Union argued that the grievant was one of the hardest and best workers in this group; that he had no active discipline; that he only consumed a portion of the beer; that he was not properly advised that drinking a beer would get you fired; that other employees were out to get him for an incident that happened on August 15, 2008 and that the discipline was too harsh.

The Company argued that the employee acknowledged receipt of USP 1; that he acknowledged that by signing the USP 1 form; that he admitted to drinking at lunch on Company property. The Company acknowledges the employee was honest and was a hard worker but it does not translate into mitigation of the discipline in this case.

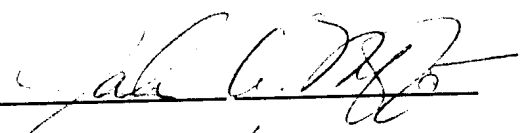
Decision

The parties agree that the grievant was a short service employee who violated USP 1; that the employee signed and acknowledged reading the document; that USP 1 states "....consuming alcohol while on duty, including overtime, will result in termination."

The parties agree that the termination was for just and sufficient cause and this case is closed without adjustment.

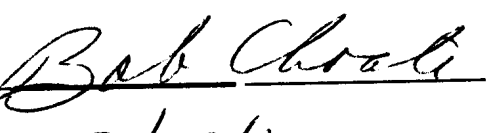
**For the Company:**

John Moffat  
Gayle Hamilton  
Dave Morris  
Malia Wolf

By:   
Date: 3/10/09

**For the Union:**

Bob Choate  
William R. Bouzek  
Lou Mennel  
Russ Rylee  
Karen Russel

By:   
Date: 3/10/09