The bets are in, the money's down, and the wheel is spinning in this year's attempt by the staff of the Public Utilities Commission to interfere with collective bargaining between Local 1245 and PG&E.

Over the last four months, Local 1245 has been locked in another in a series of battles with the PUC Staff over wages and fringe benefits, a battle which started more than ten years ago on the employee discount issue. This year, in PG&E's general rate case the PUC Staff is arguing that PG&E's union-represented workers are paid too much, and the wheel is spinning again.

Local 1245 files final brief in 10 year battle with PUC

Davey Tree ratifies contract offer

IBEW members employed by Davey Tree Surgery Company voted to ratify the three-year agreement. The ballot results were 84 "Yes" votes to 28 "NO" votes.

Major provisions include:
- An effective date of January 1, 1989.
- General Wage increases of:
  - 3.2% for employees in Districts 19 and 20 effective January 1, 1989, through July 31, 1989.
  - 2.8% for employees in Districts 22 and 23 effective January 1, 1989, through July 31, 1989.
- A provision that when an employee quits, with or without any notice, the employee will receive all unused Paid Time Off credits.
- The establishment of semi-annual joint labor-management meetings.

New Business Rep joins Local staff

Dennis Seyfer, a twelve year veteran Local 1245 activist, recently joined the Local Union staff as a business representative. Dennis will take the San Jose area as his assignment. He will work with PG&E Clerical and Physical employees, PLO and Davey Tree.

Dennis comes to the Local 1245 staff from the Sacramento Municipal Utility District, where he was a linenman and then a troubleshooter.
# 7th Annual IBEW Local 1245 Golf Tournament

**Final Deadline: October 7**

Don’t Miss Out! Get our Name and Money in Now!

**Fee:** $40 - No Refunds

**OCTOBER 28, 1989 - 8:00 A.M.**

**Manteca Park Golf Course, Manteca**

- Non-Members are welcome

Please check status below

- Carts are included with the $40 fee

A turkey shoot will also be included in this tournament

The annual tournament will NOT be a two-man scramble - regular golf

- Foursomes are not necessary

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Starting time will be mailed back to you.

Make checks payable to: Local 1245 Golf Tournament

Mail to: Lou Anzaldo/Golf Tournament
35524 Cleremont Drive, Newark, CA 94560
Phone: (415) 793-9677
Job Evaluation Conferences set

Throughout October the Local Union will hold a series of Training Conferences for Clerical Shop Stewards. The one-day sessions will include detailed information about all phases of the Clerical Position Evaluation System. The system will be fully implemented and thereafter available for use in accordance with Letter Agreements R1-82-111, 87-78, and 89-80 as follows: Regions and General Office Operating - December 1, 1989 (Customer Services and Operating Lines of Progression); Controller's and Customer Accounting - May 1, 1990 (Accounting Line of Progression).

The sessions will be held on a geographical basis. Individual letters of invitation are being sent to PG&E Clerical Stewards this month. In the letters, IBEW Local 1245 Business Manager Jack McNally emphasizes that this "training is extremely important" in keeping our membership well-informed of new developments at the Company.

The sessions are scheduled as follows:

1. October 7 — Concord
   (PLO, Golden Gate Region, East Bay Region, General Office) - HOLIDAY INN, 1050 Burnett Avenue, Concord, CA 94520.

2. October 14 — Sacramento
   (Sacramento Valley Region) — SACRAMENTO HILTON INN, 2200 Harvard, Sacramento, CA 95815.

3. October 14 — Fresno
   (San Joaquin Valley Region) — CEDAR LAKES, INC., 3131 North Cedar, Fresno, CA 93703.

4. October 21 — Santa Rosa
   (Redwood Region) — LOS ROBLES LODGE, 925 Edwards Avenue, Santa Rosa, CA 95401.

5. October 21 — San Jose
   (Mission Trail Region) — LE BARON HOTEL, 1350 N. First Street, San Jose, CA 95112.

Have you moved?

My new address is:

Name ________________________________
Street ________________________________
City/State/Zip _________________________
Social Security # ________________________
Return to:
P.O. Box 4790 Walnut Creek, CA 94596

POINT OF VIEW

Unions take a hard look at drug abuse

By Jack McNally, IBEW Local 1245 Business Manager

Local 1245 shop stewards and managers from the Central Division at PG&E recently came together for four hours to discuss the problem of drug and alcohol abuse on the job. This joint effort is very encouraging to me.

Substance abuse is among the most serious problems facing this country today. Although we consider our country to be the wealthiest and most fortunate in the world, drug and alcohol abuse are eating away at our lives from the inside.

I think it is important to clarify the Union's role and position in responding to this issue.

Many of you are familiar with a situation where a fellow worker has been disciplined or discharged because of drug or alcohol-related activity on the job. In many of these situations, the Union has intervened and taken such a case through the grievance procedure in an attempt to have the discipline reduced or the employee reinstated.

Labor does not condone drug use

Some observers respond to the Union's intervention by suggesting that labor condones the use of drugs or alcohol on the job. But this is NOT the case. The Union movement does not condone substance abuse on the job or otherwise.

However, the Union is charged under the law to represent every employee in the bargaining unit fairly in matters of discipline and discharge. It is the Union's duty to see that the employee gets a fair hearing - his or her day in court, so to speak - in the matter. Defending fairness is not at all the same as defending substance abuse.

But we do recognize that the nature of this problem is so deep and complex that simply defending everyone who gets disciplined because of substance abuse is not enough. Employees with drug problems have begun to appear in all areas of PG&E and with many of our other employers as well. The problems are found across Divisions and among management employees as well.

Recently, two-thirds of our members at a small cable television firm were fired for alleged involvement with drugs. Examples of similar actions at PG&E, where large numbers of employees are disciplined or dismissed in one sweep, can also be cited. Such cases now appear to be the norm rather than the exception.

Substance abuse is a medical problem

Unfortunately, as the articles in this month's special report on Drugs at Work indicate, such disciplinary sweeps, carried out with the assistance of undercover snitches, tell us very little about the cause of such problems. They also do very little to solve the problem.

This is because the fundamental source of substance abuse problems on the job is social and medical, not disciplinary. Such "law and order" tactics offer no realistic opportunity for rehabilitation. Yet every single expert across
PUC trivia quiz

Below, the Utility Reporter offers its readers the once-in-a-lifetime chance to test their familiarity with the ongoing attempt by the Public Utility Commission’s Division of Ratepayer Advocates to interfere with wages and fringe benefits at PG&E. We’d like to have Don Pardo announce dozens of glamorous prizes for readers who guess the correct answers, but, kind reader, that is simply not possible.

Go ahead, though, test your knowledge, and when you are done and you have checked your guesses with the correct answers, you can stop and weep at the idiocy that California’s tax payers are financing at the PUC.

1. The Division of Ratepayer Advocates (DRA) believes that the wages of highly skilled, high seniority, unionized PG&E clerical workers working in San Francisco should be compared with:
   (a) Other highly skilled, high seniority, unionized clerical workers working in San Francisco.
   (b) Minimally skilled, newly hired, non-union bank tellers in Mississippi.

2. In their analysis of PG&E wages, the DRA relied on a number of private wage surveys from PG&E’s Compensation Department. Which statement would best describe the DRA analysis of the underlying surveys:
   (a) The DRA spent more than 100 hours reviewing and analyzing the reliability and validity of the underlying surveys.
   (b) The DRA spent approximately 40 hours reviewing and analyzing the reliability and validity of the underlying surveys.
   (c) The DRA never saw the underlying surveys.

3. The position of the DRA on the wages paid a Lineman with 27 years of Company service is:
   (a) Given the extensive training, physical demands, danger, and responsibilities associated with the job, the Lineman is paid a fair wage.
   (b) The Lineman is paid $1.97 an hour more than he should be; his wages should be reduced by $4097.60 a year.

4. A PG&E Utility Clerk trying to support a family in San Francisco on an annual wage of $23,000 is:
   (a) Paid a fair wage, considering the typing and secretarial skills involved in the job.
   (b) Paid $2.53 an hour too much; her wages should be reduced by 27.5%, or $5,262 a year.

5. PG&E’s executives, whose salaries average $200,045 a year, are:
   (a) Paid too much;
   (b) Paid a fair salary for their work;
   (c) Paid too little; they should be paid another $10,195 a year.

6. The DRA witness who compared a telephone Lineman with an electric utility Lineman:
   (a) Understood the differences between telephone line work and electric line work, and made adjustments in the wages for comparison purposes.
   (b) Thought that telephone line work and electric line work were the same, and that the telephone company has electric Linemen.

7. As part of its analysis of union wages at PG&E, the DRA:
   (a) Did not consider the productivity of PG&E’s workers at all.
   (b) Took into account the evidence showing that PG&E’s clerical workers are 25% more productive now than they were 5 years ago.
   (c) Took into account the evidence showing that PG&E’s workers are almost the most productive utility workers in the United States.

8. In PG&E’s 1986 General Rate Case, the Public Utilities Commission completely rejected the attempt by the PUC Staff to get involved in wages for PG&E’s workers. In this year’s case, the DRA witness:
   (a) Was very familiar with the 1986 decision, and had persuasive answers to all the concerns raised by the Commission in 1986.
   (b) Was not familiar with the 1986 decision or case.

9. The DRA witness subtracted 21% from 118% and got:
   (a) 100% (b) 97%

10. When confronted with statistics showing how low employee turnover is at PG&E, the position of the DRA witness was:
    (a) Low turn-over means reduced training costs and is good for ratepayers.
    (b) Low turn-over means more experienced employees, which is good for ratepayers.
    (c) Low turn-over means that PG&E workers are paid too much; wages should be lowered so that PG&E workers don’t stay with the Company so long.

Answers on page 8

Consumers’ advocate Sylvia Siegel retires

The long-time advocate for utility consumers’ rights, Sylvia Siegel, announced her retirement recently as head of TURN, Towards Utility Rate Normalization. Thus a unique chapter in the history of California utilities ends: since TURN’s founding by Siegel in 1973, the huge utility monopolies which dominate the energy and communications industry in California always knew that there was an effective watchdog working on the behalf of their customers.

TURN will carry on its work with Siegel now serving only on the organization’s board of directors.

For Siegel, age 71, her retirement is the end of a long history of activism on behalf of workers and consumers. Her career began on the staff of the nurses’ union, the California Nurse’s Association. When Siegel went to work for the California Consumer’s Advocacy Corp (CANC), the organization was more of a professional association than a union. Siegel established the CNA’s collective bargaining division.

Career began as a trade Unionist

She credits this early exposure to the economics of hospital administration with giving her the tools necessary to understand the utility business. Siegel’s trade union background also guaranteed that TURN would respect the right of workers to bargain collectively with their employers, without interference by the government or other groups. This pro-collective bargaining stance is relatively unusual among today’s so-called “public interest” groups.

Siegel’s consumer activism began in 1969 when she took a post at the Association of California Consumers. She represented the San Francisco Bay Area. Pacific Bell wanted a rate increase at the time and Siegel found herself in the midst of her first Public Utilities Commission (PUC) hearing.

“When we went to that first PUC hearing,” Siegel recalled during an interview with the Utility Reporter, “none of us knew what they were talking about. They all looked alike and dressed alike. They were all men. It was like a men’s private club there at the PUC.”

“That first experience peeked my curiosity,” Siegel said. “Reagan was the governor then. He was trying to cut the PUC staff down to size because they were too good. He was transferring them all around. So I got together with then State Representative George Moscone and we called a press conference in Sacramento to protest Reagan’s actions.”

“I kept asking questions about how the PUC process worked and kept getting answers,” she said. “The process intrigued me and I learned more and more about the way a utility company operates.”

“I soon realized that no one was paying any attention to the PUC, despite the profound effect their decisions have on a consumer’s budget.

TURN built brick-by-brick

“Just learned something new everyday. It was an exciting process. And brick-by-brick I built up TURN. It started on my dining room table, when I was working as an individual.”

“But you need troops behind you, so I got a small grant and hired an economist. I continued to work without a salary. It’s a long, hard process when you are independent. You always have to raise money. Expert witnesses are expensive.”

But over time, Siegel’s efforts were very successful. Today, TURN has a dues-paying membership of 50,000. Annual dues are $15.00. The labor movement is represented on TURN’s board by Alice Liebes, the former SEIU economist, and Jeff Greenhöfer, a West Coast representative of the AFL-CIO.

The utility industry in California is regulated by the PUC, whose five members are appointed by the governor.
Local 1245 members speak out against PUC

To back up our presentation to the Public Utilities Commission, we asked our members to express their opinion to the PUC about its decision to interfere in the collective bargaining process. Below we reprint selections from some of the many letters that were forwarded to both the PUC and state legislature.

Dear Commissioner Hulett:

I am a member of Local 1245 IBEW, a single parent and an employee of PG&E for almost twenty years. I am a California taxpayer and also a PG&E ratepayer. My responsibilities as an employee cover setting up construction scheduling for crews; scheduling new installations of gas and electric meters; checking out potential hazards; or ensuring our customers of continued gas and electric service, e.g., winter storms, earthquakes, fire, etc. All these tasks necessitate intelligence, diligence and responsibility, along with much knowledge of the workings of the company, plus a courteous demeanour at all times. I feel I earn the salary and benefits I receive.

To compare my wages with non-union companies and with companies all over the U.S.A., in areas with lower cost of living is absolutely unreasonable, yet the Division of Ratepayers Advocates (DRA) claim that our wages and benefits are unreasonable. Such a claim is nonsensical!

If the commission accepts this "claim", morale and work standards within the company will plummet and dire problems with safety and service could result.

I urge you not to accept their "unreasonable" claims and ensure the salaries and benefits of all PG&E workers.

Yours Sincerely:

Wendy E. Moore

Local 1245 Business Manager Jack McNally (right) with staff attorneys Tom Dalzell and Jane Brunner.
DRUGS AT WORK PART I
FROM PAGE ONE

By Steve Diamond

At Monterey Peninsula Cable Television Company, twenty four Local Union members, two thirds of all Union members at the Company, were fired earlier this year for alleged drug use at work. The Company had placed an undercover operative on the job next to Union members to inform on the activities of Company employees.

One only worker was dis- missed based on the information provided by the operative (known in the labor movement as a "snitch"). See the "Profile of a Snitch" by IBEW attorney Tom Dalzell, in this issue. But the other employees were persuaded to provide damaging information about their own drug use during "interrogation" sessions conducted by Confidential Management Services, a private investigation firm hired by the Company.

A similar operation was conducted by the Sacramento Municipal Utility District earlier this summer. There the combination of undercover operations and interrogations led to the dismissal of eight SMUD employees who were operative was sent in to try to gather information about drug use on the job. With only a little information to go on, the Company moved against the small number of employees they felt certain were guilty. But then they brought in other employees whom they only suspected and subjected them to interrogation by outside investigators. These individu- als were then told that the Company would look favorably on them if they "cooperated." Frightened and uncer- tain, these individuals gave the Company additional information, including in some cases, a signed confession, without the benefit of Union representation.

The Local Union's experi- ence with such cases demon- strates that the presence of a shop steward during such interrogation sessions can greatly reduce the effective- ness of management's attempt to intimidate employees. Ev- ery employee called into such a meeting is at risk of being fired. With a shop stew- ard present, the Union can help steer such investiga- tions back to the real source of a substance abuse problem, if there is one. One employee at Monterey Cable Television

who did have a shop steward present during his interroga- tion has already had his dis- missal withdrawn by the Company.

The undercover/interroga- tion method appears to be a favorite tool of the various private investigators who specialize in this dirty work for employers. It has also been used by the Union's largest employer, Pacific Gas and Electric Company.

PG&E's police tactics

As a large and well-known corporation, PG&E does make some attempt to appear socially conscious in response to serious problems. For many years it has had an Employee Assistance Program (EAP) in

effect which aims to help out employees with drug, alcohol or other personal problems. The Program attempts to help employees solve those prob- lems so that they may con- tinue productive work for the Company.

It is not simply a matter of appearing responsible, of course. The Company has large sums of money invested in every employee. Also, the Company appears to recognize, at least with alcohol abuse, that the problem is so widespread that simply getting rid of all the employees with such problems would leave the Company unable to operate.

But the Company's re- sponse to the use of illegal drugs on the job has been contradictory. On the one hand, the Company has agreed to a fitness for duty policy rather than simply al- lowing drug testing to take the place of the careful and conscientious examination of employee behavior on an individual basis. And the EAP continues to exist to back up this policy.

On the other hand, the Company has also used the undercover/interrogation method of responding to drug use. In 1986, the Company placed an undercover opera- tive in its Reprographics De- partment in the San Francisco General Office. "They thought they were after a big drugs sale operation," according to Austin Lea, a former employee of the Department who now is on the staff of Local 1245. "But in fact the amount of drug use there was relatively low - so- cial usage at the most." Lea feels that the Company

Profile of a Snitch

By Tom Dalzell

Have you ever wondered what could possibly make a person go to work inform- ing on their friends and co- workers? Over the last ten years, Local 1245 has run into a dozen professional snitches, hired for one pur- pose - to provide the Union with information on the job. To write this ar- ticle, I dug into Local 1245's files and pulled out notes on four of the sorriest snitches we've seen, two hired by the Sacramento Municipal Utility District and two by PG&E.

As the cliche goes - read this and weep. Brothers and sisters, let me intro- duce you to four of the fin- est snitches that SMUD and PG&G etc. ratepayers' money could buy. John Bob Logan, Donnie Gar- ner, Dan Stewart, and Mary C. Tucker.

SMUD: The Dynamic Duo from Memphis

In early 1981, SMUD hired two snitches from the Guardsmark Corpora- tion in Memphis, Tennes- see, and planted them in un- skilled positions at the Rancho Seco Nuclear Power Plant. The two, John Bob Logan and Donnie Garner, worked less than five months at Rancho Seco as part of an "inside in- vestigation."

John Bob Logan graduated from high school in 1970, and spent the next nine years drift- ing from job to job. For the first five years after his high school graduation, Logan at- tended Memphis State Uni- versity, where he took courses in "just about everything." Despite diligent studies for five years, a two-year degree somehow eluded him and he left having earned only 90 hours credit of the 128 hours required for a two-year degree.

For the next two years, Logan worked as a manager trainee for a catalog show- room. He next worked for five months with a jeweler, then quit because he "decided to go down to Jackson, Mississippi for some Dessert coffee." While in Mississippi, Logan stayed "with a couple of la- dies" that he knew and at- tended jewelry design classes at Northwest Junior College in Stenatore, Mississippi. After another year in Junior Col- lege, Logan still did not have enough credits for a two-year degree.

For the next four months, Logan inched his way back to Tennessee, "working as a bouncer at various clubs." He got another jewelry job which he quit after a few months, and then sold used cars for seven months. In November, 1979, Logan, answered a newspaper ad for Guards- mark, and became a profes- sional snitch.

Logan's training as a snitch lasted only "several days" before being sent on his first assignment. He was neither licensed nor bonded as a pri- vate investigator in Tennes- see. Illinois, Virginia, Arkan- sas, Ohio, or California, all states in which he performed "undercover assignments."

At SMUD, Logan was almost fired after three months on the job because of his dis- mal work performance, and only the intervention of a su- pervisor who knew that he was working as a snitch saved his job. Logan's principal ac- tivity while on the job at Ran- chlo Seco was to "read" ex- plicit, pornographic maga- zines.

After his snitch assign- ment at SMUD, Logan quit his job with Guardsmark and returned to College. When last heard from, he had finished his seventh year in quest of a two-year degree.

Donnie Garner's past was slightly less spectacu- lar. He stumbled into his calling as a snitch while in the service, and seemed to be destined for a career in the field.

While in the United States Coast Guard, Gar- ner got himself "cornered in something I didn't have any business in" - he "sort of walked into a mess and I guess I became a snitch, as they call it." Garner was court-martialed as a result of the "mess," but he then, agreed to testify against the others involved in the fight. In exchange for rat- ting, the charges against Garner were dropped.

After his discharge from the Coast Guard, Garner went to work for Guards- mark as a snitch and had been there for three years before coming to SMUD.

See PAGE NINE
treated the employees like criminals not like individuals with an illness. "Drug use is a sickness. Like any other illness. They would not fire an employee who had ten years seniority because he was di-agnosed as having cancer, would they?"

Lea said that he and his fellow employees were aware of the Employee Assistance Program, but they did not trust the program. "The program is a good idea, but you have no real guarantee of privacy," Lea said. "You have to tell up to three bosses above you about your involvement in the pro-

gram. Long before the Com-
p

pany hired the snitch, I went to my own counsellor to guaran-
tee privacy and it worked for me. The use of snitches only further undermines the EAP."

Problem is everywhere

There is no way to overesti-
mate the widespread nature of the problem of drugs on the job. One study concluded that drug abuse has cost the econ-
omy more than 26 billion dol-
ars in lost productivity, medi-
cal expenses and crime. One 
management executive said that drug use is the number one problem facing industry today, affecting the morale of all the job, not just abusers. Drug users are one third less productive and three times more likely to be injured than other workers. Absentee rates for drug users are much higher than for other employ-

ees.

Many experts point to job-
related stress and boredom as a major factor in growing drug use. One medical expert told Newsweek: "I don't know if you've had the opportunity to stand in a pit and turn a screw-
driver over your head hour after hour, but I have. It's almost like torture. These people bring mind-altering drugs to ease the boredom, the tension and the stress of doing their job."

Craig Zabala, an economist with the Census Bureau and a former auto worker at Gen-

eral Motors, told Newsweek that there was a direct relation-
ship between drug use and an employee's feeling of al-

tention. The more a worker felt he was an important part of the organization - because of a strong union, an impor-
tant job or activity in a worker-

management committee the less likely he was to use drugs. Zabala's "prescription for curb-
ing drug abuse is simple," the article concluded, "worker input."

This analysis of the drug problem is confirmed by the experiences of Local 1245 members. Jim McCauley, a member of the Local Union

Executive Board, remembers that drug use at the Fremont Gas Meter plant skyrocketed when the Company merged three separate Gas plants into one. The work was "boring," McCauley said, and when the merged forces people to com-

mute and to receive lower pay, the appeal of drugs began to take over.

Arbitrator backs positive approach

A constructive approach to the problem of drug and alco-
hol use on the job has received support from an arbitration decision issued recently. Follow-
ing the dismissal of a SMUD employee who tested positive for drug use, arbitra-

tor Kathy Kelly held that SMUD had "deprive[d] [the grievant] of any realistic op-
n

portunity for rehabilitation."

Kelly noted that SMUD was officially committed to "a medical approach rather than a disciplinary approach to drug use by its employees. This commitment, she wrote, is "consistent with the view frequently expressed in arbi-

tration that where a treatable condition has produced mis-
conduct, employment should not be conclusively severed until an opportunity for reha-

bilitation is afforded."

Kelly ordered the grievant reinstated so that he could be given the opportunity to un-
dergo treatment and rehabili-
tation. At the same time, she stressed the obligation of the employee to seek such help.

Because the grievant in this case had not made much prog-

ress to solve his drug prob-

lem while the grievance was being processed, she did not award him back pay.

A medical approach is the first step that every company must take if it is to help solve this serious social problem. Positive programs and policies can be developed, especially when the Company works closely with employees through their Union. Next month in the Utility Reporter

Drugs at Work: Part II exam-
nines new programs estab-
lished by Union members to respond to drug and alcohol use on the job.

U.S. Supreme Court uses drug fears to attack Bill of Rights

By Steve Diamond

With political pressure to "do something" about our society's drug prob-

lem at all-time high, the United States Supreme Court, now dominated by conser-
vative Reagan ap-
p

pointees, decided in two recent cases to restrict dramatically a worker's right to freedom from gov-

ernment interference in their private affairs.

The two cases, decided on the same day earlier this spring, allow employ-

ees greater opportunity to use mandatory drug test-

ing, including blood and urine samples, of employ-

ees involved in hazardous occupations or who are in-
volved as law enforcement officers in drug fighting efforts. It is ironic that the conser-
vative Court, born in an alleged attempt to fight Big Government, has granted the Federal Government new powers to scrutinize employ-

ers new sweeping powers.

The lead decision, Skin-

ner v. Railway Labor Ex-

ecutives Association, held that the mandatory

breath, blood and urine test-

ing of all railway train em-

ployees working on a train involved in a serious accident or incident was constitu-
tional, even if railway man-

agement had no reason to suspect that the employees contributed to the cause of the accident.

This case rested on whether or not railway em-

ployees were protected by the Fourth Amendment to the Constitution, which holds that "[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no War-

rants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

The Court held that no warrant or probable cause for the tests would be required and that dismissal of employ-

ees for refusal to submit to the tests would be constitu-
tional.

Totalitarian language

In cold and direct language reminiscent of a totalitarian state, the Court wrote that "[t]he Government may take all necessarily and reasonable regulatory steps to prevent or deter [drug and alcohol use], and since the gravamen [most important part] of the evil is performing certain functions while concealing the substance in the body, it may be necessary, as in the case before us, to examine the body or its fluids to ac-

complish the regulatory pur-
p

ose."

Is there anything left in the Constitution left to protect citizens from Government interference in our very thoughts? Two members of the Court, Justices Marshall and Brennan, the Court's most senior members, think there should be. In the dis-

senting opinion to this case written by Marshall and joined by Brennan, equally strong language is to be found.

"The issue in this case," Marshall wrote, "is not whether declaring a war on illegal drugs is good public policy. The importance of rid-

ing our society of such drugs is, by now, appar-
tent to all. Rather, the is-
sue here is whether the Government's deploy-
ment in the war of a par-
ticularly draconian weapon - the compulsory physical and chemical testing of railroad work-

ers' blood and urine - comports with the Fourth Amendment's insistence precisely because the need for action against the scourge is manifest, the need for vigilance against unconstitutional excess is great.

A new Red Scare?

"History teaches that grave threats to liberty often come in times of urgency, when constitu-
tional rights seem too ex-

drageous to endure. The World War II relocation-
camp cases...and the Red Scare...and Mc-

Carthy-Era internal sub-

version cases...are all the most extreme rem-

inders that when we al-

low fundamental free-
doms to be sacrificed in the name of real or per-

See PAGE ELEVEN
nor TURN, as an interested party, can intervene in the PUC hearing process on behalf of consumers. It can challenge evidence introduced by the utilities and introduce its own testimony. TURN attempts to establish what it considers a fair price for energy and telephone services. Usually, what TURN views as fair is far below what the utility companies request from the PUC.

In recent years the staff of the PUC, known as the Division of Ratepayer Advocates (DRA), has attacked wages and benefits paid to utility employees. TURN has always argued that such issues should be left to the collective bargaining process.

"The DRA is supposed to be independent," Siegel says. "And to a certain extent they are. But they cannot appeal a PUC decision to court so they really cannot be considered independent. A lot of the staff tend to what they think the PUC would go for. "But they should not pay any attention to political considerations," Siegel said. "But TURN can be independent."

Siegel warns of possible customer cuts.

Siegel continues to have strong opinions about current issues in the California utility industry. She notes that the DRA is "hot on setting up a customer charge." This monthly charge of $3.00 or $3.50 would be added to every consumer's bill no matter what amount of energy they used.

Siegel considers such a charge "a regressive tax" (where those with low incomes have to pay the same as those with high incomes). She also argues that such a charge would "discourage energy conservation."

Siegel is also very critical of the recent settlement of the Diablo Canyon Nuclear Power Plant settlement. "That was a horrendous political sellout by John Van de Kamp (the California attorney general) and Warren Christopher of O'Melveny and Meyers (a southern California law firm representing PG&E)," Siegel said.

Angered by Diablo settlement

"As a result of this agreement, we are socked into committing escalating rates on Diablo beginning with the highest possible rate for energy - beginning at 9.8 cents per kilowatt hour; while the average for other independent power producers is 6.7 cents per kilowatt hour. "If Diablo is shut down, PG&E is cushioned by a $3 billion dollar floor. This is not a performance-based pricing. The agreement set a 5% capacity factor based on average nuclear production, but Diablo has been producing at much higher than that right from the beginning - up to over 90%. In cross examination by me, Dick Clarke said production was at 72%."

"In six or seven years," Siegel argues, "they will collect all of their 6 billion dollar loss, including the cost of the mistakes and all of that. "We were not included in the negotiations nor were any other parties. This is truly a private arrangement."

"The safety commission has no real enforcement power," Siegel argues. "It's not even appointed yet, a year after the settlement. Its starting budget is at 500 grand from the ratepayers. Nine people were reinstated by the PUC. Each of the nine has some tie to the nuclear or utility industry - so it will hardly be an impartial body. Outrageous. "The settlement represents an added cost to consumers with no real benefit. "It is also an intervention in the regulatory process because it interferes with due process. There should have been a public hearing. None of the testimony on earthquake safety went to a hearing. That evidence should have gone on the record. None of it was subjected to cross examination."

"The original recommendation was for a 4.1 billion dollar disallowance against PG&E! How come they settled for so little?"

"And this would not have been enforced unless they should not interfere in the wages and benefits that result from collective bargaining. Why don't they cut the salaries of the top executives?" Siegel asks.

She encourages all IBEW members to join TURN. "You can't stand out there alone," Siegel argues. "Individuals can do so by sending $15.00 to TURN, 625 Polk Street, San Francisco, California 94102."

Cal/OSHA YES!

October Cal/OSHA Conference Set

Now that the voters of California have voted to override Governor Deukmejian and reinstate California's nationally recognized Occupational Safety and Health Agency, Cal/OSHA, a statewide conference is set for the weekend of October 6 and 7 to discuss a new agenda for the agency.

The Conference will be sponsored by U.C. Berkeley's Labor Occupational Health Program (LOHP) and Worksafe, a health and safety coalition which assisted in the labor campaign to restore Cal/OSHA. Local 1245 is an active member of Worksafe.

A variety of speakers from labor, environmental, political and academic groups have been invited to address the two-day meeting. The session will begin on Friday, October 5, at 8:30 AM and run until 5:00 PM. The meeting will reopen the next day, Saturday, October 6, at 8:00 AM and run until 1:00 PM. The registration fee for both days is $30.00 and $7.00 for Saturday only.

The conference will convene at the International House on the U.C. Berkeley campus, 2299 Piedmont Avenue, just west of the Berkeley Football Stadium.

Among the topics to be discussed are: "Making Cal/OSHA Work For You," "Occupational Health - Environmental Health: Friends or Foes?", and "Effective Health and Safety Standards for the Workplace in the 90's."

For further information, call LOHP at (415) 642-5507 or Worksafe at (415) 638-1174.

From PAGE FOUR Answers to PUC Trivia Quiz:

1. (b); 2 (c); 3 (b); 4 (b); 5 (c); 6 (b); 7 (b); 8 (b); 9 (b); 10 (c).

What was your score? 10 correct answers: Congratulations, you are eligible to be hired as an attorney by the DRA. 7 to 9 correct answers: You are eligible to work for the DRA, and with a little luck you might make it as an attorney some day. 4 to 6 correct answers: Keep working. You've got a little too much common sense to work for the DRA yet, but there's definite promise. 0 to 3 correct answers: Sorry, there is no hope for you. You are too logical, you know too much about utilities, or you were blessed with too much common sense at birth.
Profile of a snitch
From PAGE SIX

In his entire adult life, Garner had not earned a dollar other than by snitching.

PG&E: Beauty and The Beast

Over the years, PG&E has planted a number of snitches around the system. Two, Dan Stewart and Mary Tucker, figured in more than ten terminations of Union members in the last few years.

Dan Stewart moved to Vallejo from Illinois in 1980. Before going to work at PG&E, Stewart had been only intermittently employed, had gone long periods without any work, had held no job for more than a year, and had no marketable job skills.

For the seven years before going to work for PG&E as a snitch, Stewart's friends were members of motorcycle gangs who were heavy drug users and dealers, and Stewart himself came to the attention of the Vallejo Police Department as a suspected drug user. Sgt. Robert Lee of the Vallejo Police Department described Stewart's criminal record when he went to work at PG&E as "basically clean in comparison to some people" - he had been convicted of non-sufficient funds, petty theft, and wife beating!

A few years before PG&E scooped him up, Stewart was a gas crew member in Vallejo. Stewart began selling information about his biker friends to the Vallejo Police at $20 a pop. For several years, Stewart lived from squeal to squeal, $20 here, $20 there. During the PG&E arbitration, Stewart spoke almost dreamily about his unfutile life working in law enforcement, and how satisfying it was for him to be part of the "team" as a snitch for the Vallejo Police.

In the spring of 1986, Stewart found himself living in his van, unemployed, without any job skills, and facing a felony charge for wife beating! When Stewart went to work at PG&E, Tucker wrote that her job as a waitress at the Tee Pee Tempe in Tempe, Arizona, had been the "provision of efficient (her spelling) courteous service to a wide range of individuals, demonstrating organization and communication skills."

Tucker told PG&E that she would make a good snitch because of her "ability to accurately (her spelling) draw deductive courses of action pursuant (her spelling) the assignment entitled, coupled with my alliance to follow clients and/or employers instructions.

For about a year, Tucker worked the graveyard shift, pleading with employees to buy her cocaine almost every night, writing daily reports about employees "departing to the upper levels of 245 Market Street via elevator", her "accompanyment" (her spelling) of an employee to his car during a break, and her stay in the employee's car "(the duration of my positionment would be the vehicle)."

After leaving PG&E, Tucker is rumored to have hired on as a snitch at the San Onofre Nuclear Power Plant in Southern California.

Conclusion
Given the intense professionalism and sense of pride in image and service which we associate with SMUD and PG&E, one has to wonder at their decisions to hire the likes of Logan, Garner, Stewart and Tucker. You would think that companies with the size, resources, and creativity of SMUD and PG&E could come up with something better than this collection of losers, drifters, and convicted criminals. I think I once read that a century ago, the mongoose was brought to Hawaii to take care of the snake problem. Some years later the snakes were gone, but there was a new problem - the mongoose.

Get the point? We've got a mongoose problem on our hands. There's got to be a better way of doing things.

Financial Planning Seminars set

Local Union 1245 has made arrangements to offer Financial Planning Seminars to our members and their spouses. These Seminars will cover all aspects of pre-retirement preparations including financial and tax planning which will be explained by financial advisors employed by Merrill Lynch.

It is our goal to kick off the educational and planning process of financial planning with this Seminar. Our intent is to be sure you are aware of the many options you must consider as you begin to identify areas in which you may need additional information and preparation.

The topics of discussion will be:

- Planning for your retirement
- Why Should I Reduce My Consumer Debt
- How do I Have Enough Insurance
- Should I Contribute to an IRA
- Contributing to the Company's 401(K)
- How to Save for my Children's College Expense
- Pacific Gas and Electric Stock Forecast
- Interest Rate and Inflation Forecast 1989-1990
- How to Obtain Long-Term Health Care
- How to Save Income Tax

The Merrill Lynch presentation will be given by Robert Gallo, Vice President, Consumer Markets, Diane Shulman, Associate Producer, and David Brantley, Director of Investments, who have agreed to discount their services to Local Union 1245 members.

After attending the presentation you may arrange an individual conference with the Merrill Lynch planning specialist to analyze your particular situation. Of course, the seminars and conferences are free of charge and involve no obligation.

The dates and times of each seminar are as follows:
September 7, 1989 Thursday, 7:30 PM, Surdi's, 2030 Fremont Street, Monterey, (408) 646-0100
September 8, 1989 Saturday, 9:30 AM, Royal Oak Motor Hotel, 214 Madonna Road, San Luis Obispo, (805) 544-4410
September 19, 1989 Tuesday, 7:30 PM, Surdi's, 2030 Fremont Street, Monterey, (408) 646-0100
September 23, 1989 Saturday, 9:00 AM, Ramada Inn, 324 East Shaw Avenue, Fresno, (209) 224-4040
September 29, 1989 Saturday, 9:00 AM, Royal Oak Motor Hotel, 214 Madonna Road, San Luis Obispo, (805) 544-4410
September 19, 1989 Thursday, 7:30 PM, Discovery Inn, 1340 North State Street, Ukiah, (707) 462-8873
September 23, 1989 Saturday, 9:00 AM, Red Lion Inn, 3200 Camino Del Rio Court, Bakersfield, (805) 323-7111
September 23, 1989 Saturday, 1:00 PM, Ramada Inn, 324 East Shaw Avenue, Fresno, (209) 224-4040
September 30, 1989 Saturday, 9:00 AM, Red Lion Inn, 1830 Hilltop Drive, Redding, (916) 221-8700
September 30, 1989 Saturday, 1:00 PM, Best Western Heritage Inn, 25 Heritage Lane, Chico, (916) 894-8600
October 7, 1989 Saturday, 9:30 AM, Best Western Bonanza Inn, 3001 Clark Avenue, Yuba City, (510) 674-8824

TO RESERVE A SPACE AT ONE OF THE ABOVE SESSIONS, CONTACT WENDY BOTTHELL AT THE LOCAL 1245 OFFICE IN WALNUT GREEK (415) 933-6000.
Members speak out
From PAGE FIVE

seemingly you expect that productivity and morale can be maintained.

While in attendance at a recent rate hearing I noticed that only one rate payer addressed the staff. I am left to ponder, who are you representing? Certainly not the PG&E employee, stockholder, voter, citizen, rate payer... Sincerely, Karen A. Russell

Dear Commissioner Hulett:

I am writing you regarding PG&E rate case application # 88-12-005. As a PG&E employee with over twenty years experience in hydro, substation and System Dispatcher operations I can tell you that the average PG&E ratee's productivity has increased markedly over the last five to six years. If our wages are slightly lower than non-union wages in other parts of the country it is not because PG&E is overly generous, it is because we are committed to doing our work safely, efficiently and in a manner that brings the greatest benefit to PG&E. A good comparison might be the record of Diablo Canyon PP versus Rancho Seco PP. I don't believe any form of government, no matter what good intentions it may have, has the right to dictate wages or wage cuts to private individuals, especially ones that work under a union contract. It is my opinion that if the CPUC were to be successful in lowering wages at PG&E the long term effect would not be a savings for the ratepayers but a loss, due to the loss of morale and consequent loss of productivity. PG&E is currently streamlining their operations via state of the art supervisory controls at my and many other switching centers. They are adding additional responsibilities and work, something they might not have been inclined to do without a vigilant PUC. For this I thank you, but I think basing rate increase decisions on existing wage rates is, in the long run, counter productive.

Thank You,

John K. Brown
Commissioner Hulett:

I am a PG&E employee in William, and I am writing about the PG&E rate case, Application 88-12-005 the renewed attack on non-union wages by the Division of Ratepayer Advocates. I am a taxpayer and a ratepayer as well and am not represented as such. I strongly resent this renewed attack on my wages and feel this is another attempt to interfere in the collective bargaining process which is prohibited by the National Labor Relations Act. We employees have earned everything we have had negotiated for, and to force the Company to take away any portion of our benefits wages would destroy the morale and productivity of all the PG&E employees system wide. We are currently very apprehensive about the security of our jobs. Several of our co-workers have recently been displaced in the system and

Attorney

I am a California taxpayer and a PG&E ratepayer as well as a PG&E employee. It's ludicrous to believe that what I earn is "unreasonable." A nuclear power plant is a very delicate place to work and I work at my best every day and I know if the Commission accepts the ratepayer's argument that the wages of all employees and productivity would be devastating. A job like this is quite demanding and I believe the wages and benefits are equal to the duties performed.

Laurie A. Salazar

Dear Assemblyman Leslie: We are writing to ask you to vote for California Senate Bill 441 which will protect collectively bargained agreements from ratepayers' billing and amateur second guessing. As an eighteen year employee of Pacific Gas & Electric Company we find it very tiresome that the PUC is continually attacking the company and its employees by trying to lower wages and/or benefits.

As you are well aware the cost of living in California is higher than the majority of the country. However, the PUC in its latest attack is comparing wages and benefits nationwide and also including non-union wages as well. We do not feel the government has any business trying to alter collective bargaining agreements.

We look forward to hearing your opinion on this matter.

Sincerely,

Sama Hagen

Dear S. W. Hulett:

I've gone through a lot of changes since my time with PG&E with added responsibilities. It's unfair that my wages be compared to wages at non union companies, at companies all over the United States in areas with a lower cost of living and at companies outside the utility industry.

I am a California taxpayer and a PG&E ratepayer as well as a PG&E employee. It's ludicrous to believe that what I earn is "unreasonable." A nuclear power plant is a very delicate place to work and I work at my best every day and I know if the Commission accepts the ratepayer's argument that the wages of all employees and productivity would be devastating. A job like this is quite demanding and I believe the wages and benefits are equal.

Sincerely,

Alan Johnson
Vicki Johnson

Commissioner S.W. Hulett

Shirley Chisom, the black congresswoman, once said: "female discrimination knows no race barriers." How true—here we go again. There are a few jobs left where female employees make a decent wage. At PG&E that issue is again being taken care of by your staff.

Thanks to your efforts, two years ago PG&E was able to see that the clerical employees got only a bonus and 1.75 increase in two years and our beginning wages tiered

AGAIN. The physical dept. got a 2.75 increase each year. They're 99% men and are taken care of by all parties concerned including your staff.

Most of the women that work for PG&E aren't militant. They're used to having the union take care of them. But that isn't happening anymore. How can the union bargain when PG&E throws your quotes up at the bargaining table. So who gets the shaft—women—clerical.

Your argument about what other clerical jobs pay is a smokescreen. Cheap wages paid to females in other jobs doesn't require your committee to recommend that we must follow suit.

Your reasoning is about as correct as the way minorities were treated years ago—keep minorities where they belong—keep women in low paying jobs. Even our jobs are different. Clerical are understaffed and are expected to put out ten hours worth of work in eight. Physical are also understaffed but the men are expected to put out eight hours worth of work in eight hours.

There aren't that many men in clerical—take out the meter readers and there you are. Most of the men we have in clerical have been involved in meter reading years ago.

If you feel you have to hit at PG&E please look for something else—leave the women alone.

Linda Lilehagen

PUC Case
from PAGE FIVE

Eastern Airlines, a situation which would not be good for PG&E's customers.

Methodology

The current PG&E rate case is the fourth rate case in which the PUC Staff examined union wages. In three of the past four (the 1986 PG&E case, the 1987 Southern California Edison case, and the 1988 General Telephone case) the Com-
Dennis is a second generation Local 1245 member. His father, Keith Seyler, now retired, was a SMUD tree trimming Local 1245 member. His role that union's place in his life.

In a trade union household for 28 years. Growing up under the NLRB, Dennis has been a member of a union and a business representative. "An active and informed membership is a key to the Union," he said.

**Business Report**

**Dennis Canyon**

Elliott, Ann Martinez, and Terry Nelson to bargain on a Fitness-For-Duty policy for employees having unescorted access to nuclear sites as mandated by the Nuclear Regulatory Commission. The committee has been meeting in union's office in Walnut Creek and will be prepared to meet with PGE in September. Local 1245 is continuing to review legal options that would challenge various applications of random drug testing and other provisions of the NRC's mandated program. Additionally, Local 1245 has to bargain on the program in order to protect the interests of union's membership in the event legal options do not provide any relief. The NRC program raises a large number of technical issues in addition to a number of other issues that will be discussed as a result of the matter being a mandatory subject for bargaining as determined by the National Labor Relations Board.

**ADDITIONAL ITEMS**

Local 1245's committee has also identified other items it will want to address in the interim meetings concerning the nuclear plant. These include the contract out of work, the utilization of swing shifts for traditional day employees and overall compensation for work at the nuclear site. The committee will have developed detailed proposals by mid-September.

Local 1245 has informed PGE that our complete committee is ready to meet on September 19th with proposed meetings on the following two days concerning the Fitness-For-Duty policy:

- **September 19th**
- **September 20th**

The majority's acceptance of dragnet blood and urine testing ensures that the first, and worst, casualty of the war on drugs will be the precious liberties of our citizens. I therefore dissent.

Behind the Court's major decision lies a new approach to Constitutional rights. The Court held that these rights may be denied whenever a "special need" arises. Clearly, the opportunity to suspend constitutional rights is greatly widened with the adoption of such a doctrine. This doctrine came under direct attack in Marshall's dissent:

"Constitutional requirement measures like probable cause are not fair-weather friends, present when advantageous, conceding by absence when 'special needs' make them not... What about the right to be left alone?

"There is no drug exception to the Constitution, any more than there is a comminon exception or an exception for other real or imagined sources of domestic unrest... Because abandoning the explicit protections of the Fourth Amendment seriously impairs the right to be let alone -- the most comprehensive of rights and the right most valued by civilized men... I reject the majority's 'special needs' rationale as unprincipled and dangerous."

And finally Marshall pointed to the Court majority's willingness to be caught in the current hysteria about drug abuse:

"A majority of this Court, swept away by society's obsession with stopping the scourge of illegal drugs, today succumbs to... popular pressures... In upholding the [Federal Railway Authority's] plan for blood and urine testing, the majority bends the bord to... Public health... The majority's willy-nilly attitude exposes vast numbers of public employees to this needless indignity.

"Dennis, 55 years old, was born and raised in the Sacra- mento area. He spent four years in the Navy as a hull technician. He joined Local 1245 soon after coming to Sacramento and worked as a business representative. "An active and informed membership is a key to the Union," he said.

**Supreme Court**

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- **September 20th**
The grievant in the case was a fifteen-year employee who was injured on the job on March 23, 1988. That fall, the City's Workers Compensation carrier decided that the grievant was not longer temporarily disabled and it cut off his benefits. The grievant still felt unable to return to work, and his treating physician had determined that he probably could not return to work for several more months. The grievant thus applied for a leave of absence from the City under the section of our Memorandum of Understanding permitting automatic leaves of absence "due to medical necessity." The City denied a leave of absence because it believed that a medical necessity did not exist and because of the business demands of the department. The grievant did not return to work, and was terminated on January 9, 1989.

In his award, Arbitrator Henderson addressed both the conflict in medical opinion and the city's operational needs. First, Mr. Henderson noted that "the overwhelming focus of the City was on operational needs." Mr. Henderson did not downplay the importance of the City's operational needs, but he did point out that medical reasons of absence are supposed to be automatic, and so held that "The arguments regarding work necessity and the excessive absences of the Grievant being sufficient grounds for denying him a leave of absence are not matters the Arbitrator feels are necessary to be considered." The Arbitrator also pointed to various sections in the contract which Local 1245 had negotiated to help the City meet its operational needs in situations such as this, such as the provision for temporary employees.

Turning to the conflicting medical evidence, Mr. Henderson concluded that the medical evidence provided by the Grievant, especially the recommendation of his treating physician at Kaiser, should have been considered as establishing that he was not capable of returning to work, and that the City should have granted a leave of absence.