

# REVIEW COMMITTEE

**PG and E**

**IBEW** 

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L.N. FOSS, SECRETARY

D.J. BERGMAN, CHAIRMAN

- DECISION  
 LETTER DECISION  
 PRE-REVIEW REFERRAL

San Joaquin Division Grievance No. 25-176-78-40  
P-RC 414

Letter of Reprimand, Unassigned Electrical Technician  
and Apprentice Electrical Technician

February 9, 1979

MR. D. S. SOLBERG, Company Member  
San Joaquin Division  
Local Investigating Committee

MR. R. VAN DYKE, Union Member  
San Joaquin Division  
Local Investigating Committee

The above-subject grievance has been discussed by the Pre-Review Committee prior to its docketing on the agenda of the Review Committee and is being returned, pursuant to Section I B(2) of the Review Committee procedure, to the Local Investigating Committee for settlement in accordance with the following:

At issue in this case is a disciplinary letter given to two employees in the Electric Maintenance Department in Fresno. The principle reason for the disciplinary letter was that these employees each consumed a bottle of beer during their lunch hour, with lunch. The other issue in this case, although of apparent minor concern to the Local Investigating Committee members, was the inclusion in the disciplinary letter of the fact that these two employees had stopped for lunch at a restaurant while enroute to Herndon Substation in a Company vehicle. The Division pointed out in its letter to the grievants that it was improper to use "Company vehicles to obtain lunch away from a work location which has been assigned as part of a routine workday." From the referral of this case, it is apparent that the major question facing the Pre-Review Committee is whether or not the Division's application of Accident Prevention Rule 13(a) was appropriate. This Committee, while not having faced this particular question before as to whether or not Accident Prevention Rule 13(a) applies during an employee's lunch period, has noted various local grievance settlements, which it will use as a guide in deciding this question.

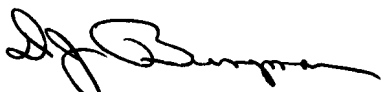
Accident Prevention Rule 13(a) was obviously designed to prevent employees from being a hazard to themselves and others by prohibiting the use of intoxicating liquor and/or being under the influence of such when the employee is performing work for the Company. The phrase "...during his work hours..." has been interpreted to include the employee's lunch period since no one can gauge the impact of an alcoholic beverage on any one individual. Therefore, it is impossible to determine how much alcohol an employee can consume before that employee becomes a hazard to himself or others. Clearly, individuals' tolerance for alcoholic beverages varies widely. The rule then, that physical employees are not to consume intoxicating liquors during their lunch period has been sustained in local grievance settlements when challenged and, we think, with good reason. The Pre-Review Committee, therefore, believes that in the face of the admission by the grievants in this case that they did consume an alcoholic beverage during their lunch period, that some disciplinary action was

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appropriate. The Pre-Review Committee has noted other local settlements where employees were given substantially greater disciplinary action and believes that the grievants in this case were treated very fairly by the Division.

The second issue, that is, the use of the Company vehicle by the employees in stopping on the way to their work assignment for lunch, is less clear, and the Pre-Review Committee finds insufficient facts on which to base a decision. This issue, therefore, is referred back to the Local Investigating Committee for its investigation and subsequent resolution. The Pre-Review Committee is unclear as to the Division's stated rule regarding employees using Company vehicles for lunch. If the Division's rule is based strictly on economic considerations, then the Local Investigating Committee would be well-advised to consider whether or not these employees drove out of their way to go to lunch that day or whether the restaurant was on the most direct route to their work assignment. If the Local Investigating Committee is unable to resolve this particular issue, then it should refer the case back with additional information for resolution by the Pre-Review Committee.

On the basis of the above, this case is referred back to the Local Investigating Committee.



D. J. BERGMAN, Chairman  
Review Committee



L. N. FOSS, Secretary  
Review Committee

DJB:rto

cc: GNRadford  
IWBonbright  
LVBrown  
Personnel Managers