

## REVIEW COMMITTEE

# PG and E

# IBEW



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INTERNATIONAL BROTHERHOOD OF  
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R.W. STALCUP, SECRETARY

**CASE CLOSED  
LOGGED AND FILED**

MAR 16 1983

D.J. BERGMAN, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

General Construction Grievance No. 3-1143-82-102  
P-RC 820

March 16, 1983

MR. R. S. BAIN, Chairman  
General Construction  
Joint Grievance Committee

MR. G. VALLEY, Chairman  
General Construction  
Joint Grievance Committee

### Grievance Issue

Discharge of a Field Clerk for being under the influence of alcohol while at work.

### Facts of the Case

The grievant's Company Service date is July 6, 1971.

In June 1975, the grievant was verbally reprimanded for his apparent intoxication on the job.

On March 26, 1976, the grievant was suspended for his admitted intoxication on the job. Sometime between March 26 and April 9, 1976, the grievant voluntarily entered an alcohol rehabilitation program; as a result, his suspension was converted to a medical leave of absence. He returned to work on May 10, 1976.

There is nothing in the record which indicates that the grievant had further alcohol-related problems until March 29, 1982. On that date, the grievant was counseled by his supervisor about "a possible drinking problem." In the counseling session, the supervisor "pointed out that in the past...(grievant) appeared to be under the influence of alcohol on a few occasions when reporting for work." The supervisor warned the grievant that, if he again reported for work under the influence of alcohol, he would be suspended and/or disciplined.

From June 11, 1982 to and including June 21, 1982, the grievant was on vacation. From June 22, 1982 to and including July 15, 1982, the grievant was on an authorized sick leave of absence. During all or most of this period (i.e., June 11 - July 15), the grievant attended another alcohol rehabilitation program.

Sometime in June, 1982, but apparently prior to his entry into the rehabilitation program, the grievant was arrested for driving under the influence of alcohol. He was not driving a Company vehicle at the time of his arrest.

The grievant returned to work on July 16, 1982.

On July 27, 1982, the Manager of Personnel and Clerical Services issued the grievant a letter which commended the grievant for "taking the steps necessary to deal with the situation that was causing your performance problems," but warned that "...if your after-hours behavior causes any further performance problems, you will be discharged." The letter concluded by stating that the grievant's supervisor, a General Construction Personnel Representative and/or an Employee Assistance Representative were available to him any time he needed help.

On November 2, 1982, the grievant reported for work at his regular starting time. However, his actions, speech, appearance and odor at that time led his supervisor and at least two other witnesses to conclude that the grievant was under the influence of alcohol. The supervisor confronted the grievant with his observations and conclusions. The grievant denied that he was under alcohol influence, whereupon the supervisor asked him if he would be willing to go to a doctor to verify his denial. The grievant declined. A Shop Steward was then called to the office. In the presence of the Shop Steward, the supervisor again asked the grievant if he would go to a doctor to verify his claim that he was not under the influence of alcohol; the grievant again declined, whereupon the supervisor suspended him. The suspension was converted to a discharge shortly thereafter.

#### Discussion

The Union acknowledged that the grievant probably was under the influence of alcohol on November 2, 1982, but opined that the penalty of discharge was too severe under the circumstances. The Union also held that the grievant's discharge has inhibited his efforts to resolve his problems, and that he has little incentive to attempt recovery from his alcohol problems because he has no job to which he can return.

The Company stated that the discharge was for just cause because the grievant 1) was given several opportunities and alternatives for resolving his problems, 2) was adequately warned of the consequences if he was found under the influence of alcohol on the job, and 3) reported to the job under alcohol influence subsequent to and in spite of these opportunities, alternatives and warnings.

The Pre-Review Committee notes that the record contains two exhibits which document four telephone calls the grievant made to the job on November 7 and 12, 1982 (subsequent to his discharge). These exhibits indicate that the grievant was under the influence of something at the time he made the calls. (Three of these calls were received within a one-half hour period.) Additionally, Company representatives told the Pre-Review Committee that the grievant has telephoned several people in the field and in General Construction Personnel subsequent to his discharge, and that he apparently was under the influence of something at the time he made these telephone calls.

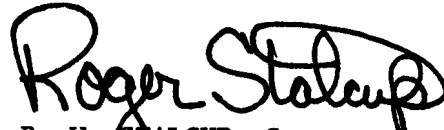
#### Decision

At a recent Pre-Review Committee meeting, Company offered to consider the grievant for reemployment after January 1, 1984 if he can demonstrate or provide

evidence that he has abstained from alcohol consumption for a substantial period of time; such evidence could be in the form of a statement from a professional counselor, a "sponsor" from Alcoholics Anonymous, or other similar evidence, Company stated.

After reviewing the facts of the case, the Committee agreed that the discharge should not be mitigated beyond Company's reemployment offer. Therefore, the grievant's reemployment opportunities will be governed by the conditions set forth in the preceding paragraph, and the case is closed without further adjustment.

  
D. J. BERGMAN, Chairman  
Review Committee

  
R. W. STALCUP, Secretary  
Review Committee

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