

# REVIEW COMMITTEE

## PG and E

## IBEW

PACIFIC GAS AND ELECTRIC COMPANY  
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INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS, AFL-CIO  
LOCAL UNION 1245, I.B.E.W.  
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WALNUT CREEK, CALIFORNIA 94596  
(415) 933-6060  
R.W. STALCUP, SECRETARY

D.J. BERGMAN, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL


San Jose Division Grievance Nos. 8-765-82-132 & 8-810-83-26  
Fact Finding Committee Nos. 2628-83-49 & 2705-83-126  
P-RC Nos. 836 and 879

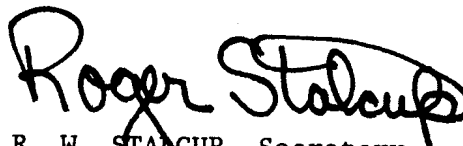
September 22, 1983

MR. D. J. COYNE, Company Member  
San Jose Division  
Local Investigating Committee

MR. L. L. PIERCE, Union Member  
MR. W. TWOHEY, Union Member  
San Jose Division  
Local Investigating Committee

The above-subject grievances have been discussed by the Pre-Review Committee prior to their docketing on the agenda of the Review Committee and are being returned to the Fact Finding Committee for settlement in accordance with Step Five A(ii) of the Review Committee procedure.

  
D. J. BERGMAN, Chairman  
Review Committee

  
R. W. STALCUP, Secretary  
Review Committee

MAShort(1123):ml

cc: WJEddy

PACIFIC GAS AND ELECTRIC COMPANY  
MEMORANDUM OF DISPOSITION  
SAN JOSE DIVISION GRIEVANCE NO. 8-765-82-132  
FACT FINDING COMMITTEE NO. 2628-83-49

PRC # 836

CASE CLOSED

LOGGED AND FILED

MAR 1 1984

RECEIVED MAR 0 2 1984

SUBJECT OF GRIEVANCE

On 10/29/82, the grievant, a San Jose Division Lineman, received a letter of reprimand and a two day disciplinary layoff for consuming an alcoholic beverage during his lunch period. The Union grieved this action and contends that the disciplinary action was too severe.

DISCUSSION

This grievance was investigated by the Local Investigating Committee on 11/24/82 and referred to the Fact Finding Committee on 12/16/82. After reviewing the Local Investigating Committee Report the Fact Finding Committee referred this case to the Pre-Review Committee, which after discussion, returned it back to the Fact Finding Committee.

During its discussion, the Committee reviewed Pre-Review File No. 414, which states, in part:

"At issue in this case is a disciplinary letter given to two employees in the Electric Maintenance Department . . . . The principle reason for the disciplinary letter was that these employees each consumed a bottle of beer during their lunch hour, with lunch. . . .the major question facing the Pre-Review Committee is whether or not the Division's application of Accident Prevention Rule 13(a) was appropriate.

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 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 Fact Finding Committee noted that there is no dispute in this case that the grievant consumed an alcoholic beverage during his lunch period. The Committee also noted that the grievant stated he was aware that consuming alcoholic beverages during work hours was against Company rules.

MEMORANDUM OF DISPOSITION  
SAN JOSE DIVISION GRIEVANCE NO. 8-765-82-132  
FACT FINDING COMMITTEE NO. 2628-83-49

DISPOSITION

On the basis of the above, and, further, recognizing that disciplinary action taken in similar circumstances in San Jose Division has varied, the Committee does not believe it can substitute its judgement for the District's on the appropriateness of the disciplinary action taken. For this reason, this case is considered closed without adjustment and without prejudice to the position of either party.

FOR THE COMPANY:

*D. J. Coyne* 2/24/84  
D. J. COYNE (CONCUR/~~DISSENT~~) DATE

*M. A. Short* 2/21/84  
M. A. SHORT (CONCUR/~~DISSENT~~) DATE

FOR THE UNION:

*Roger Stalcup* 2/17/84  
R. STALCUP (CONCUR/~~DISSENT~~) DATE

*Larry F. Pierce* 2-28-84  
~~B. TWOHEY~~ (CONCUR/~~DISSENT~~) DATE  
L. PIERCE