

REVIEW COMMITTEE**PG and E****IBEW** 

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CASE CLOSED
LOGGED AND FILED

NOV 16 1984

RECEIVED NOV 16 1984

D.J. BERGMAN, CHAIRMAN

General Construction Grievance No. 3-1263-83-106
 P-RC 943

- DECISION
 LETTER DECISION
 PRE-REVIEW REFERRAL

November 16, 1984

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

MR. MIKE MC KINNEY, CHAIRMAN
 General Construction
 Joint Grievance 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 Step Five A(ii) of the grievance procedure, to the Local Investigating Committee for settlement in accordance with the following:

Facts of the Case

This case concerns a 20-day disciplinary layoff given to a Welder for several alleged occasions of drinking beer, and of smoking marijuana at the job site. This disciplinary action was taken following an investigation which was conducted by the Company's Security Department, between August 16, 1983 and December 9, 1983. The Security Department arranged for the employment of an undercover operative who was placed on the job, working as a Hydro/Substation Mechanic. During the course of the investigation, the undercover operative monitored the activities of a number of employees and provided to the Security Department both oral and written reports of his observations. The Pre-Review Committee has reviewed a considerable volume of documents and discussed at length this case and many others which resulted from the aforementioned investigation.

Discussion

In this case, the undercover operative advised the Security Department that on seven separate occasions, he observed the grievant smoking marijuana and that on two occasions observed the grievant drinking beer. On one of those occasions, the operative stated that the grievant, along with several other employees, consumed beer during lunch hour, took beer back to the job site inside the fenced area of the unit, where the grievant and others continued to drink beer during the afternoon. The grievant and the others also consumed a marijuana cigarette during that same afternoon.

When interviewed by a representative of the Security Department on December 12, 1983, the grievant allegedly stated that he usually drinks a beer at lunch about once a week; that he smokes a "roach" at lunch once or twice a month. Following the interview, however, the grievant declined to sign a statement to the above. He was then suspended from the job.

When interviewed by the Local Investigating Committee February 14, 1984, the grievant stated, in response to questions about specific dates alleged in the Security Report, that he did not recall in most instances because the dates were so long ago. In reference to one specific date, the grievant did state that he may have taken a "hit" on a joint but that would not get him "loaded" because he is a large man. The grievant further testified that he may drink a beer at lunch away from the job site about once a month; that he may smoke a "roach" before work or at lunch but not on the job site; that he has about a \$300.00 a year drug habit; that he may use amphetamines for weight loss; that his usage of marijuana is primarily on weekends; that he feels some effects on Monday.

Decision

In reviewing the evidence and testimony of the grievant, it is clear to the Pre-Review Committee that the grievant had been involved in numerous incidents of use of marijuana and alcohol, and therefore, the 20-day disciplinary layoff is sustained. However, the disciplinary letter is to be revised by deleting the sentence with reference to "psychedelic mushrooms".

This case is considered closed on the basis of the above and should be so noted in the minutes of the Joint Grievance Committee.



D. J. BERGMAN, Chairman
Review Committee



R. W. STALCUP, Secretary
Review Committee

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