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REVIEW COMMITTEE

PG and E

IBEW



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R.W. STALCUP, SECRETARY

DEC 14 1984
**CASE CLOSED
LOGGED AND FILED**

D.J. BERGMAN, CHAIRMAN

RECEIVED DEC 11 1984

- DECISION
 LETTER DECISION General Construction Grievance No. 3-1267-83-110
 PRE-REVIEW REFERRAL P-RC 959

December 10, 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(v) of the grievance procedure, to the Local Investigating Committee for settlement in accordance with the following:

Facts of the Case

This case concerns a 15-day disciplinary layoff given to an Apprentice Electrician for allegedly smoking marijuana at the Geysers, allowing other employees to smoke marijuana in his vehicle at the Geysers, and threatening another employee and that employee's property. 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 four separate occasions, he observed the grievant and another employee smoking a marijuana cigarette. The Security Report also states that during the evening on the date employees were first being interviewed by the Security Department about alcohol and drug activities at the Geysers, the grievant appeared at the home of another employee, where the grievant made threats against the person and property of the other employee.

When interviewed by a representative of the Security Department on December 12, 1983, the grievant denied ever using marijuana on the job. He did state, however, that he allowed other employees to smoke marijuana in his car a few times. At the conclusion of the interview, the grievant was placed on suspension.

When interviewed by the Local Investigating Committee on February 7, 1984, the grievant again denied ever smoking marijuana cigarettes at work and again admitted that other employees have smoked marijuana in his car at the job site. The grievant also admitted that he had gone to the home of another employee during the evening of December 12, 1983, and that he had made threats against the person and property of the other employee. The Pre-Review Committee noted that the other employee reported this incident and that the grievant was stopped and questioned by the Lake County Sheriff's Department shortly after departing from the employee's home.

The record submitted to the Pre-Review Committee alleges that the grievant was observed smoking marijuana with another employee on four different occasions. The evidence with respect to three of the dates involved is inconclusive. In its examination of time reports for the dates in question, the Pre-Review Committee noted that on three of the four dates, the two employees and the operative were reporting for work at two or three different locations, raising a question as to whether the operative actually observed the grievant on these dates. On the fourth date, however, both employees and the operative were reporting to work at the same site. Standing alone, this fact may lead one to the conclusion that the operative was in error on the fourth date. However, recognizing the grievant's admission that he allowed others to smoke marijuana in his car on several occasions, the Pre-Review Committee believes the grievant probably did smoke marijuana on at least one occasion. The Committee also recognized the grievant's admission of going to another employee's home after work and making threats against his person and property. Had the threat been carried out, the threatened employee's family would also have been affected. The Pre-Review Committee is in agreement that such threats are a very serious matter and cannot be condoned.

During the investigation conducted by the Security Department, the grievant voluntarily agreed to a search of his person and vehicle, as well as supplying a urine specimen for testing. The test proved positive for an infrequent user of marijuana and negative for everything else, including alcohol.

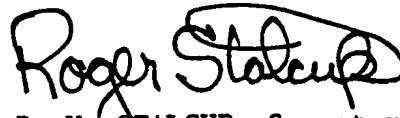
Decision

Based on all the facts present in this case, the Pre-Review Committee agrees to reduce the 15-day disciplinary layoff to a 10-day disciplinary layoff. The disciplinary letter should be revised to reflect this change.

This case is closed based on the foregoing and the adjustment made herein. Such closure should be so noted in the minutes of the Joint Grievance Committee.



D. J. BERGMAN, Chairman
Review Committee



R. W. STALCUP, Secretary
Review Committee