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# REVIEW COMMITTEE

## PG and E

## IBEW

PACIFIC GAS AND ELECTRIC COMPANY  
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INTERNATIONAL BROTHERHOOD OF  
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R.W. STALCUP, SECRETARY

D.J. BERGMAN, CHAIRMAN

**CASE CLOSED  
LOGGED AND FILED**

NOV 16 1984

RECEIVED NOV 16 1984

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

General Construction Grievance No. 3-1270-84-2  
P-RC 960

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

### Facts of the Case

This case concerns a ten-day disciplinary layoff given to an Electrician for allegedly purchasing cocaine at the Geysers. This disciplinary action was taken following an investigation which was conducted by 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

On December 12, 1983 during an interview conducted by the Security Department, a Station Helper stated:

"On December 3, 1983, (employee #1) showed me a small package of white powder which he told me was cocaine which he was selling for \$50.00 a packet. During the day, I saw (employee #1) meet with (the grievant and employees #2 and #3). They would walk off together and (employee #1) would return with cash which he showed me. In the afternoon, (employee #1) told me that he had sold all of the cocaine and had made \$1000.00."

November 16, 1984

The Local Investigating Committee took testimony from the Helper concerning his December 12, 1983 statement to the Security Department. To the Local Investigating Committee, he stated:

"... he did not observe the grievant in a cocaine transaction at any time...he simply saw the grievant alone with (employee #1) on December 3, 1983 when he knew (employee #1) had cocaine in his possession...further...he never intended to state he saw the grievant buy drugs, only that the grievant had a private conversation with (employee #1) on December 3, 1983."

When the grievant was interviewed on December 13, 1983, he was not questioned concerning an alleged purchase of cocaine but rather whether or not he'd ever been intoxicated on the job or whether he was taking any medication. The grievant responded negatively to both questions. Two other employees questioned on December 13, 1983 indicated they'd never seen the grievant intoxicated on the job.


To the Local Investigating Committee, the grievant stated that on December 3, 1983, he was temporarily upgraded to Working Foreman B, (employee #1) was on his crew, and his only contact with (employee #1) was work related. A review of the time cards confirm that the grievant was temporarily upgraded to Working Foreman B on Saturday, December 3 and Sunday, December 4. There is no time card for (employee #1) on either of those dates.

#### Decision

The Pre-Review Committee concludes that the Company did not meet its burden of proof and agrees to restore to the grievant ten-day disciplinary lay-off in accordance with Subsection 102.4(a) of the Physical Agreement, rescind the disciplinary letter of December 29, 1983 and remove from the personnel file any and all documents which make reference to this incident.

This case is considered closed on the basis of the above adjustments 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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