

REVIEW COMMITTEE

1151



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INTERNATIONAL BROTHERHOOD OF
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R.W. STALCUP, SECRETARY

CASE CLOSED
LOGGED AND FILED

DEC 28 1984

D.J. BERGMAN, CHAIRMAN

RECEIVED DEC 28 1984

- DECISION
 - LETTER DECISION
 - PRE-REVIEW REFERRAL
- General Construction Grievance No. 3-1275-84-7
P-RC 962

December 28, 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 Electrician for allegedly consuming alcoholic drinks on the job on more than one occasion and the use of cocaine. 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 discussed, at length, this case and many others which resulted from the aforementioned investigation.

Discussion

The Security report on the grievant's activities states: "(The operative) advised that (the grievant) is an alcoholic who drinks on the job. He stated that he believes that (the grievant) also has a cocaine habit and could be addicted to cocaine."

Following a detailed review of all records submitted to the Pre-Review Committee, the Committee concluded that the above statement was the operative's opinion. The record provides no specific information as to times, dates or places of observation of any activity on part of the grievant, which would give credibility to this allegation. In addition, the Pre-Review Committee agreed that the operative is not qualified to diagnose an alcoholic or an addict.

The grievant was also disciplined for an incident which occurred on December 1, 1983. On that date, the grievant and another employee gave the operative \$10 to buy them each a half pint of Schnapps. The operative was having lunch in Cobb that day. When he returned to the Geysers, he gave the Schnapps to the grievant.

The grievant admitted requesting the Schnapps, but stated he drank it on the way home, once he passed the guard's gate. The Committee noted, however, that the road outside the guard's gate is still on the Geysers property, and any alcoholic beverage or illegal drugs are prohibited.

Decision

There was no evidence that the grievant drank alcoholic beverages or used cocaine while at work. However, based on the fact that the grievant was in possession of an alcoholic beverage during working hours at the job site and because he had another employee purchase the Schnapps for him, the Committee concluded that some discipline was in order and agreed that a two-day disciplinary layoff was appropriate. The disciplinary letter is to be revised to reflect this, and, in addition, the second paragraph is to be rewritten as follows:

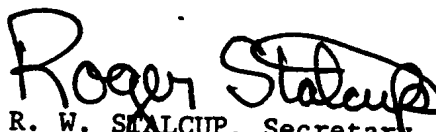
"There is evidence that you gave money to another employee to purchase a half-pint of Schnapps for you."

Further, the Committee agreed to delete the last paragraph of the disciplinary letter and that all reference to alcohol and drug addiction will be deleted from all employment records.

This case is closed on the basis of the foregoing and the adjustments contained herein. Such closure should be so noted by the Joint Grievance Committee.



D. J. BERGMAN, Chairman
Review Committee



R. W. STALCUP, Secretary
Review Committee

MAShort(1123):lsc

cc: MEBennett
IWBonbright
FCBuchholz
Div. & Dept. Pers. Mgrs. & Dirs.