

7.1(P)

**REVIEW COMMITTEE**

**PG and E**

**IBEW** 

PACIFIC GAS AND ELECTRIC COMPANY  
245 MARKET STREET, ROOM 444  
SAN FRANCISCO, CALIFORNIA 94106  
(415) 781-4211, EXTENSION 1125

DEC 28 1984

**CASE CLOSED  
LOGGED AND FILED**

INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS, AFL-CIO  
LOCAL UNION 1245, I.B.E.W.  
P.O. BOX 4790  
WALNUT CREEK, CALIFORNIA 94596  
(415) 933-6060  
R.W. STALCUP, SECRETARY

D.J. BERGMAN, CHAIRMAN

**RECEIVED DEC 28 1984**

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

General Construction Grievance No. 3-1280-84-12  
P-RC 965

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(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 five-day disciplinary layoff given to an Apprentice Electrician for one occasion of allegedly smoking marijuana on the job. The 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 November 10, 1983 the operative observed the grievant in the company of another employee, and both were smoking marijuana. The grievant denied this allegation; however, during his interview with the Security Department, he was observed to have matches and a lighter even though he stated he does not smoke cigarettes. The grievant stated he carried the matches and lighter to light women's cigarettes in bars.

This case basically boils down to a one-on-one situation with the operative stating he observed an infraction and the employee denying it. In this situation, the testimony of the operative is given the greater weight recognizing that the testimony of the employee tends to be self-serving. The Committee further agreed that the operative had numerous incidents to report, and it seems very unlikely that he would fabricate this situation.

Decision


The Committee agreed to sustain the discipline in this case.

There is a question as to whether or not the grievant reported for work on January 3, 1984. If he did, he is to be paid two hours show-up and per diem unless that was already paid or unless he did not report.

This case is closed without adjustment, and 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):sla

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