

7.1 - Discharge-  
Unfit for duty-  
Alcohol**REVIEW COMMITTEE****PG and E**PACIFIC GAS AND ELECTRIC COMPANY  
245 MARKET STREET, ROOM 444  
SAN FRANCISCO, CALIFORNIA 94106  
(415) 781-4211, EXTENSION 1125

D.J. BERGMAN, CHAIRMAN

- DECISION  
 LETTER DECISION  
 PRE-REVIEW REFERRAL

RECEIVED AUG 25 1988

**CASE CLOSED**  
**LOGGED AND FILED**  
 RECEIVED AUG - 4 1988

General Construction Grievance No. 3-3701-87-63  
P-RC 1246**IBEW** 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

August 3, 1988

PHIL G. DAMASK, Chairman  
General Construction  
Joint Grievance CommitteeBARRY J. HUMPHREY, Chairman  
General Construction  
Joint Grievance CommitteeGrievance Issue

Discharge of Backhoe Operator for being under the influence of alcohol.

Facts of the Case

The grievant was a Backhoe Operator with a hire date of September 20, 1966.

The grievant's long disciplinary history indicated numerous instances of reporting to work under the influence of alcohol as shown:

November 7, 1979	Verbal Reprimand - unfit for duty - alcohol
March 20, 1980	Written Reprimand - unfit for duty - alcohol
January 5, 1981	Written Reprimand - unfit for duty - alcohol
February 5, 1981	Written Reprimand - unfit for duty - alcohol (plus time off)
April, 1983	Rehab. Program
September/October 1986	Rehab. Program
October 15, 1986	Final letter (after returning from Rehab.)
May 22, 1987	Discharged - unfit for duty - alcohol

In August 1986, the Union Representative received complaints from the grievant's co-workers about the grievant's continued unfit for duty condition. The co-workers complained that the grievant almost injured several employees by operating his equipment in an unsafe manner. The grievant's work required him to operate a backhoe in very close proximity to his co-workers and energized cables and equipment.

August 3, 1988

The Union Business Representative helped initiate the second rehabilitation program which began in September 1986.

Also, three Foremen testified in the Local Investigating Committee that they had on several occasions each verbally warned the grievant while he was working for them that he could not continue to come to work in an unfit condition.

After the grievant returned from his second rehabilitation program in October 1986, he was issued a final warning.

On May 13, 1987, the grievant reported to work in a condition of unfit for duty in the opinion of his immediate supervisor. The supervisor had been made aware that the grievant was coming to work under the influence by the grievant's crew members. The Foreman and the grievant proceeded to the General Foreman's office to confer and to determine whether a fitness for duty examination would be appropriate. During the trip to the General Foreman's office, the grievant acknowledged he had been drinking the night before. Both the General Foreman and the immediate supervisor determined from their observations and discussions with the grievant that, in their opinion, he should be sent for a fitness for duty examination. The supervisor forgot to complete the "Behavioral Observation" form. The grievant did not decline medical clarification of his condition and was taken to a doctor's office to determine whether he was under the influence. The doctor's office took only a urine specimen which was sent to PharmChem for analysis. He was not personally seen by the panel physician. The results of the urinalysis were positive which confirmed the supervisor's observations that the grievant was under the influence of alcohol. The grievant was discharged May 27, 1987.

During the Local Investigating Committee meeting, it was determined that the grievant had not completed the "Release of Medical Information" form.

### Discussion

The Committee discussed this case at length. The grievant did have an extensive history of discipline and two previous rehabilitation efforts, and was at the final step of the discipline process. The Committee further determined that the fitness for duty process, in this case, was deficient with regard to the grievant not being seen by the physician and by omission of the "Behavioral Observation" and the "Release of Medical Information" forms. It should be noted that the grievant did not decline the examination.

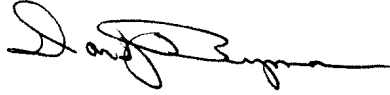
### Decision

Based on the grievant's own admission that he had been drinking the night before; and the testimony of the grievant's supervisors as to his fitness for duty; and the fact that the Company had attempted to help and accommodate the grievant over a long period, the Committee agreed that the deficiencies in the procedure were not sufficient to mitigate the Company's action. The discharge was for just cause.

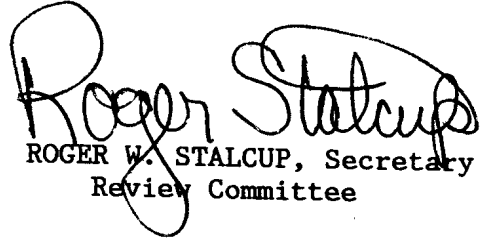
August 3, 1988

Company agreed that steps would be taken to insure that in the future, supervisors will follow all provisions of the Medical Clarification Examination (Fitness-For-Duty) procedures. However, disciplinary and discharge cases will continue to be resolved based on the merits of each individual case.

This case is closed without adjustment, and such closure should be noted in the minutes of the Joint Grievance Committee.



DAVID J. BERGMAN, Chairman  
Review Committee



ROGER W. STALCUP, Secretary  
Review Committee

RLBolf(223-5665):jh