

102.6 -Co initially refused, then agreed to provide documents (litigation pkg) necessary to process gr.



REVIEW COMMITTEE

IBEW



SEP 28 1992

**CASE CLOSED
LOGGED AND FILED**

RECEIVED SEP 25 1992

PACIFIC GAS AND ELECTRIC COMPANY
201 MISSION STREET, 1513A
SAN FRANCISCO, CALIFORNIA 94105
(415) 973-1125

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

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

ENCON (General Construction) Grievance No. 3-2304-92-10
Pre-Review Committee No. 1588

September 22, 1992

KEN LEWIS
Chairman, ENCON
Joint Grievance Committee

BARRY HUMPHREY
Chairman, ENCON
Joint Grievance Committee

Grievance Issue:

Company refused to pay for a litigation package requested by the Union regarding a second positive under the DOT random drug testing policy.

Facts of the Case:

An employee in ENCON Gas T&D Department was discharged for a second positive under the DOT random drug testing agreement. Subsequent to the discharge, the Union requested the litigation package from the Company. The Company provided to the Union a number of documents but not the full litigation package. PharmChem Laboratories charges \$150 for the full litigation package. The Company agreed to provide the litigation package if the Union paid the \$150.

Discussion:

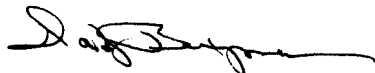
The Company argued that the documents provided to the Union was what information the Company relied on to make its decision on disciplinary action. The Company further argued that the Company was not refusing to provide information to the Union but was refusing to pay the \$150 fee for the litigation package.

September 22, 1992

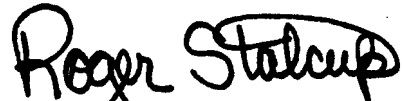
The Union argued that the Company has always provided the litigation package to the Union at no fee and opined that they should continue to provide the information at no fee. The Union stated that they have only requested the package on an as-needed basis and the number of requests have been few.

Disposition:

The Company agreed to provide the litigation package to the Union in this case at no cost to the Union. The decision is based on the fact that it was provided in the past at no charge, it is for a second positive and the Union only requests these packages on an as-needed basis. This case is closed as per the above.



David J. Bergman, Chairman
Review Committee



Roger W. Stalcup, Secretary
Review Committee

JAMoffat(223-5665):nj