



REVIEW COMMITTEE

IBEW



PACIFIC GAS AND ELECTRIC COMPANY
201 MISSION STREET, ROOM 1508
MAIL CODE P15B
P.O. BOX 770000
SAN FRANCISCO, CALIFORNIA 94177
(415) 973-8510

**CASE CLOSED
FILED & LOGGED**

RECEIVED JUL 18 1997

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W
P.O. BOX 4790
WALNUT CREEK, CALIFORNIA 94596
(510) 933-6060
R.W. STALCUP, SECRETARY

MARGARET A. SHORT, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

East Bay Division Grievance No. OAK-97-01
Pre Review Committee File No. 2098

Cathy Pickett

Lula Washington

Subject of the Grievance

This case concerns the discharge of a long service Gas Service Representative for misconduct in violation of Standard Practice 735-6-1, specifically: personal use of company vehicle, driving a company vehicle while under the influence of alcohol, and having an avoidable accident.

Facts of the Case

Saturday, December 14, 1996, was a non-workday for the grievant. He spent time with friends watching a football game and drinking. Sometime after 7 p.m. he decided to take the company truck to go get something to eat. While driving the company vehicle, he rear-ended a third party vehicle. One of the third party passengers required a hospital visit. The grievant was field tested by an Alameda police officer for intoxication, and was arrested for suspicion of driving under the influence of alcohol. At the police station, the grievant underwent a breath test. The results were .14 BAC initially and .13 confirming; both above the .08 BAC figure constituting legal intoxication. [He was arrested for driving under the influence] His license was taken and he was issued a 30-day temporary license. After posting bail, he was released from the jail at 2:05 am Sunday, December 15, 1996.

The grievant had the company truck because he had back-up on-call responsibility from midnight to 8:00 a.m. on Sunday, December 15, 1996.. The record reflects the grievant being called out and responding to a customer call at 3:10 am on Sunday, December 15, 1996.

A review of the grievant's active disciplinary record indicated:

June 21, 1996 coaching and counseling for unsafe driving and rudeness to a customer

April 8, 1996 coaching and counseling for use of a company vehicle for personal business and rudeness to a customer

February 15, 1996, Written Reminder in conjunction with his return to work following a positive random DOT test for drugs

The grievant signed a Return to Work Agreement February 15, 1996 which states in relevant part:

"I understand that if I test positive for any prohibited drugs, including legal drugs for which I do not have a prescription or test positive on a breath alcohol test, during the next sixty (60) months, I am subject to immediate discharge."

Information in the file indicates the grievant immediately enrolled began participation in rehabilitation programs to treat his substance abuse problems.

As a result of the December 14 incident, the grievant appeared in court on December 26, 1996, and was sentenced to 10 days in jail or Weekend Work Furlough, required to attend DUI classes in the evening, and had restricted driving privileges during working hours only which would have precluded him from working overtime or meeting his on-all responsibilities.

Information in the file indicates that on December 30, 1996, the grievant reentered an intensive early recovery treatment program to deal with his substance abuse problems. As a result of the grievant's participation in the DOT First Offender Program, he had previously participated in this same rehab treatment, having entered the program on January 24, 1996 and completed the third phase on September 25, 1996.

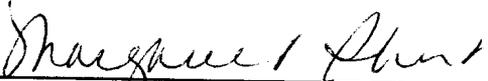
Discussion

The Union expressed the opinion that the grievant had 25 years of good service but made experienced a major mistake in judgment. They stated that following his entry into a drug/alcohol rehabilitation program on January 24, 1996, he had the one relapse (that being on December 14, 1996); that such a relapse [which] is not uncommon during the first year of sobriety; that he was remorseful, and he took immediate steps to address his problems.

The Company acknowledged and encouraged the grievant's recovery efforts but indicated that discharge has been consistently applied for an employee in a DOT covered position who has a second positive or who violates the Return to Work Agreement. In addition, in reviewing the disciplinary record, it appears the grievant was given a couple coaching and counseling after the Written Reminder that could have resulted in escalating discipline to a DML. Company pointed out that in conjunction with both coaching and counselings, use of the company vehicle was a part of the issue discussed, and that on one occasion, use of a company vehicle for personal business was at issue. It would appear that consideration was given at that time to his long service and recovery efforts.

Decision

The Pre-Review Committee is in agreement that this discharge was for just and sufficient cause. This case is closed without adjustment.



Margaret A. Short, Chairman
Review Committee

7/18/97

Date



Roger W. Stalcup, Secretary
Review Committee

7/18/97

Date