



REVIEW COMMITTEE



IBEW

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INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
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R.W. STALCUP, SECRETARY

**CASE CLOSED
FILED & LOGGED**

MARGARET A. SHORT, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

**Gas Supply Grievance No. GSO-97-09
Fact Finding No. 6622-97-153
Pre-Review Committee No. 2169**

LAURA HENRY
Company Member
Local Investigating Committee

GARY HUGHES
Union Member
Local Investigating Committee

Subject of the Grievance

This case concerns the discharge of an Operator Mechanic from the McDonald Island Gas Compressor Station for reporting to work under the influence of alcohol, abandoning the station and failure to notify anyone that he'd left the station.

Facts of the Case

The grievant was employed May 3, 1983 and discharged effective September 25, 1997. At the time of discharge, he had no active discipline. The grievant worked a 12 hour schedule. He reported for work at 6 p.m. on Saturday, September 20, 1997. Sometime after reporting for work, the grievant left the Compressor Station and ended up in the water at Lost Isle. He then climbed into an available boat. The Sheriff at Lost Isle responded at about 8:00 p.m. to a call of a possibly stolen boat. The grievant had been found by the Resident Manager of Lost Isle in the boat in the middle of the waterway. The grievant was later picked up and taken home by his wife. He was not arrested or cited.

There is conflicting information between the Sheriff's report and the supervisor's testimony as to when the supervisor became aware of the situation and whether the supervisor knew the employee was supposed to be working that night. In any case, no one was called to replace the grievant for the remainder of his shift which was to end at 6 a.m. on Sunday, September 21.

The grievant was in a DOT covered classification.

Discussion

The Pre-Review Committee at the outset agreed that the grievant's actions were very serious and warranting of severe disciplinary action. However, the Union argued that the discharge

should be mitigated given the grievant's long service and otherwise satisfactory record; the failure on the part of the supervisor to replace the grievant on shift; the discipline meted out for other similar situations; and the fact that there was no clear notice to employees that job abandonment is grounds for immediate termination.

Company responded that this facility has had a couple of very serious incidents occur that resulted in substantial damage to Company property and it is crucial that it be staffed and monitored around-the-clock. The fact that the grievant was the only person on shift, made his actions grossly negligent and endangered life and property. Further, by the grievant's own testimony, he had been drinking since morning and reported to work under the influence of alcohol although he also claimed "blackout" or no memory after 2:00 p.m. Saturday afternoon.

DECISION

Based on the facts of this case and in an effort to resolve grievances without resorting to arbitration, the Pre-Review Committee agreed to the following settlement:

Reinstatement without backpay at the DML step of Positive Discipline effective for one year from the date the grievant physically reports back to work,

Prior to returning to work, assessment by EAP and the MRO for recommendation on a course of treatment with an obligation on the grievant's part to comply or remain terminated; or after reporting back to work be terminated again for non-compliance. A negative return to work test is required and completion of the DOT Return to Work Agreement,

Five years of random follow-up testing in addition to being in the random pool.

A second positive for alcohol or a positive for drugs within five years of reinstatement will result in discharge.

Finally, the PRC is in agreement that an Operator working alone at a Gas Supply operating facility who abandons the shift/job, will be held to a higher standard in the disciplinary process, which under some circumstances, may result in discharge.

This case is closed on the basis of the foregoing and the adjustments contained herein.

Margaret A. Short
Margaret A. Short, Chairman
Review Committee

7/22/98
Date

Roger W. Stalcup
Roger W. Stalcup, Secretary
Review Committee

7/22/98
Date