



REVIEW COMMITTEE

IBEW



PACIFIC GAS AND ELECTRIC COMPANY
LABOR RELATIONS DEPARTMENT
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INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W.
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(707) 452-2700

ROBIN WIX, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

KIT STICE, SECRETARY

Pre-Review Committee Number 23177 Shared Services - Materials – Fresno

Deborah Harper
Company Member
Local Investigating Committee

Mike Grill
Union Member
Local Investigating Committee

Subject of the Grievance

This case concerns a Written Reminder issued to a Lead Driver for possession of alcohol and offering the alcohol to other employees while on duty and on Company property.

Facts of the Case

The grievant is a Lead Driver in the Materials Department with approximately 33 years of service and had no active discipline at the time the Written Reminder was issued.

The grievant holds a Class A license and is subject to the restrictions of the DOT Drug and Alcohol policy which states:

"Employees must not possess, use, furnish, sell, or offer or be under the influence of alcohol while on the job or on Company premises. Proof that an employee furnished, sold, offered, used, possessed or was under the influence of alcohol while on the job or on Company premises will be cause for disciplinary action, or termination of employment."

On March 19, 2015, the grievant brought four unopened bottles of beer into the Fresno Service Center bullroom and proceeded to offer the beer to co-workers. The grievant stated that he bought the beer for his son who did not like it and therefore he was attempting to give the beer away. The grievant's supervisor instructed him to remove the alcohol from the bullroom immediately to which the grievant complied, taking the alcohol to his personal vehicle which was parked on Company property. Upon leaving work for the day, the grievant offered the beer to the supervisor who accepted it, but later contacted the grievant and returned it to him off premise and intact.

Discussion

The Union argued that the Written Reminder is excessive in this instance. Training records show that the grievant has not had the DOT policy reviewed with him since 2004. Ten years is an excessive amount of time to expect an employee to remember all the rules outlined in a Company policy. Additionally, the grievant was not purposefully attempting to violate Company policy and did not believe offering the beer for someone else to take home and consume was a violation. The Union argued that the supervisor, while he told the grievant to remove the alcohol from the bullroom, did not require him to immediately remove it from Company property, and in fact accepted the beer from the grievant as they were leaving work at the end of the day. It was only after the supervisor received confirmation from others that he should not have accepted the beer from the grievant on Company property that he contacted the grievant to return it. The supervisor's actions demonstrate that even he did not have a clear understanding of the "no possession" rules as outlined in the DOT policy. The Union argued that based on the employee's long service, good work record, and the obvious misunderstanding of Company policy by the grievant and the supervisor, the discipline should be reduced.

The Company argued that the grievant is responsible to understand and apply all policies and rules that apply to his employment. He holds a DOT covered classification and therefore is held accountable for all policies and standards that apply. Additionally, the grievant has received annual Employee Code of Conduct training which states under the Fitness for Duty section "*you must comply with your specific organization's alcohol and drug standards and any other fitness for duty regulations that apply to your job, such as those required by the Nuclear Regulatory Commission and the Department of Transportation.*" The DOT Drug and Alcohol policy has been reviewed with the grievant and it is clear in its admonishment that employees in DOT covered classifications shall not possess or offer alcohol during work hours or on Company property. The Company argued that the supervisor did take immediate action when he instructed the grievant to remove the alcohol immediately. Furthermore, the Company argued that the grievant's years of service were considered when determining the level of discipline.

Decision

The Committee agreed that the Company has increased communication and awareness regarding the rules related to alcohol consumption, possession, and use while at work in recent years. However, the Committee also agreed that the DOT policy should be reviewed more frequently in order to reinforce employees' understanding of all rules related to the policy. After much discussion, and consideration that discipline for alcohol related incidents have often resulted in higher levels of discipline, including discharge, the Committee agreed to close this case without adjustment.



Robin Wix, Chairman
Review Committee

1-13-16
Date



Kit Stice, Secretary
Review Committee

1-13-16
Date