

DIVISION OR DEPARTMENT INDUSTRIAL RELATIONS
FILE NO. 741.5

LETTER OF SUBJECT San Jose Division Grievance No. 8-74-12
Disciplinary Layoff of A. Pacini
P-RC 87

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NOV 22 1974

LLU 1245 I.B.E.W.

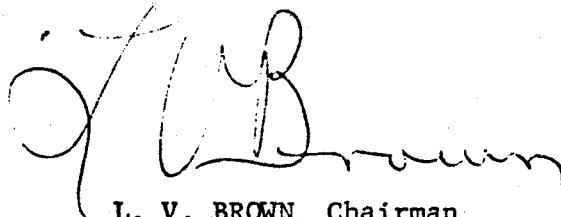
October 10, 1974

MR. F. L. NETTELL, Chairman
San Jose Division
Joint Grievance Committee

The above-subject grievance has been reviewed by the Pre-Review Committee prior to its docketing on the agenda of the Review Committee and is being returned to the Division for settlement in accordance with the following:

The issue in this case has been resolved in prior Review Committee Decision Nos. 416 and 1194. Therefore, the Local Investigating Committee will refer to these Decision as a basis for settlement in view of the fact that the grievant was well aware of the rule and could reasonably expect discipline to follow from an infraction of the rule. With this being the case, the Local Investigating Committee should resolve the present grievance on the basis of the Division's last offer of settlement.

This case will not be accepted by the Review Committee and is considered closed.



L. V. BROWN, Chairman
Review Committee

DJBergman:rto

cc: VHLind
IWBonbright
AMKezer
LNFoss, IBEW

REVIEW COMMITTEE DECISION

Review Committee File No. 416
San Francisco Division Grievance No. 63-1

Subject of the Grievance

The grievance concerns a two-day disciplinary layoff without pay given to four Servicemen of the San Francisco Division Gas Department. The record submitted to the Review Committee indicates that these employees were observed drinking coffee in a coffee shop at 17th and Treat Street at about 4:15 p.m. on December 21, 1962. The facts further evidence that the coffee shop was not located in the areas serviced by the employees. After confronting the employees, the Division imposed a two-day layoff without pay as a disciplinary measure.

The correction asked for by the grievants is that they be reimbursed for wages lost during the two-day layoff.

Discussion

At the outset it should be noted that the San Francisco Division Gas Department developed a department rule that Servicemen are not permitted to leave their area for the purpose of taking coffee together. In the Joint Statement of Facts submitted by the Division Local Investigating Committee, it is noted that in a past infraction of this rule a disciplinary layoff of two days was imposed. It is further noted by the Gas Department Supervisors that the above rule had been discussed with all Servicemen prior to the imposition of this penalty. None of the employees involved in this grievance denied knowledge of the rule.

Decision

In this case, where the employees were aware of the rule and that discipline could follow from an infraction of the rule, the Review Committee is not in a position to lessen the penalty imposed or mitigate the offense when the employees cause an infraction of the rule. It is, therefore, the opinion of the Review Committee that the correction sought by the grievants must be denied.

FOR UNION:

R. W. Fields
W. M. Fleming
L. L. Mitchell

By s/ L. L. Mitchell

Date August 26, 1963

FOR COMPANY:

E. F. Sibley
C. L. Yager
L. V. Brown

By s/ L. V. Brown

Date August 22, 1963

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LOCAL 1245, I.B.E.W.

DIVISION OR
DEPARTMENT
FILE No.
RE LETTER OF
SUBJECT

INDUSTRIAL RELATIONS
741.5

Review Committee File No. 1194
San Jose Division Grievance No. 8-72-27
Disciplinary Suspension for One Day as a Result
of Unauthorized Stop for Coffee

March 28, 1973

MR. F. L. NETTELL, Chairman
San Jose Division
Joint Grievance Committee

The Review Committee has discussed the above-subject grievance and is returning it to the Division for settlement in accordance with the following:

This grievance is to be settled on the basis of Review Committee Decision No. 416. As in Review Committee Decision No. 416, the grievant was aware of the standing Company policy and aware that infractions would be met with disciplinary action of the nature imposed.

The case is considered closed and should be so noted in the minutes of the next Joint Grievance Committee meeting.

L. V. BROWN

L. V. BROWN, Chairman
Review Committee

PNLong:RS

cc: VHLind
IWBonbright
JAFairchild
HJStefanetti
AMKezer
LNFoss, IBEW