

# REVIEW COMMITTEE

# PG and E

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# IBEW

INTERNATIONAL BROTHERHOOD OF  
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L.N. FOSS, SECRETARY

RECEIVED FEB 16 1979

D.J. BERGMAN, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

General Construction Grievance No. 3-370-78-21  
P-RC 362  
Discharge of Arc Welder

MR. J. A. CATES, Company Member  
General Construction  
Local Investigating Committee

MR. W. E. HARRIS, Union Member  
General Construction  
Local Investigating Committee

### Statement of the Case

The grievance concerns the suspension of Robert L. Cary. The suspension was later changed to discharge effective February 15, 1978. The termination record indicates, "Discharge - inadequate work performance."

Union filed a timely grievance requesting the reinstatement of the grievant with retroactive wage adjustment. The grievance was denied by the Department as the grievant was a casual employee and, therefore, the matter was not grievable.

### Discussion

It is undisputed that the employee had not obtained regular status. The essential question then is whether the grievant was terminated because of "inadequate work performance" or "for cause."


Although few facts are given in the record submitted by the Local Investigating Committee, it appears clear that the suspension and ultimate discharge was prompted by the grievant's refusal to carry out a work order. He was immediately suspended therefor. The initial question then is whether that reason, standing alone for his discharge, comes within the meaning of Subsection 106.5(b)(1) of the Agreement:

"(A casual employee) may be terminated for inadequate work performance without recourse to the grievance procedure."

### Decision

After reviewing the testimony before the Labor Commissioner, the Review Committee is of the opinion that the discharge does not come within the purview of the above Section. However, as the discharge was for just cause (insubordination), the termination will not be reversed. The case is closed.

  
L. V. BROWN, For the Company

  
L. N. FOSS, For the Union

Date 2-14-79

Date 2-14-79

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