

REVIEW COMMITTEE**PG and E**

PACIFIC GAS AND ELECTRIC COMPANY
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D.J. BERGMAN, CHAIRMAN

- DECISION
 LETTER DECISION
 PRE-REVIEW REFERRAL

**CASE CLOSED
LOGGED AND FILED**

FEB 18 1983

General Construction Grievance No. 3-1103-82-62
P-RC 810

February 14, 1983

MR. R. S. BAIN, Chairman
General Construction
Joint Grievance Committee

MR. G. VALLEY, Chairman
General Construction
Joint Grievance Committee

Grievance Issue

Letters of reprimand and three-day disciplinary layoffs issued to six Helpers and one Carpenter B for failure to report for pre-arranged overtime work on a weekend.

Facts of the Case

All the grievants were working at the Battle Creek headquarters in Manton at the time the events in question occurred.

During the workweek which began on May 31, 1982, an exempt Foreman informally told employees at the Battle Creek headquarters that they would be expected to work on the following weekend, June 5 and 6. Several employees told the exempt Foreman that they might not report for work on the weekend.

Numerous employees were transferred to the Battle Creek headquarters between May 31 and June 4, 1982. The grievants were transferred from the Station Construction Department to the Civil-Hydro Department at Battle Creek on June 1, 2 and 3.

During a tailboard briefing on Friday, June 4, the Foreman formally told all crew members at the Battle Creek headquarters that they would be expected to work on June 5 and 6. The Foreman also told the crew members that anyone who failed to report for work during the weekend would be subject to a three-day disciplinary layoff.

The crews at Battle Creek were working 10 hours per day during the week of May 31, 1982. However, the crew members were released from work at 4:30 p.m. on June 4 so that they would be able to deposit the pay checks they had received that day and/or withdraw funds, etc., at nearby banks.

Prior to their arrival at the Battle Creek headquarters, none of the grievants were told that they would be working 10 hours per day and on weekends.

IBEW 

INTERNATIONAL BROTHERHOOD OF
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R.W. STALCUP, SECRETARY

On Saturday, June 5, one of the grievants called the job and stated that he had a pain in his stomach; he told the Foreman that he might see a doctor, and that he would not be at work that day. The other grievants did not call the job or report for work on June 5.

None of the grievants called the job or reported for work on Sunday, June 6.

On Monday, June 7, the grievants were informed that they would be given three-day disciplinary layoffs for their failure to report for work on the previous weekend.

On or about June 10, 1982, each grievant received a letter of reprimand for his failure to report for work on June 5 and 6. The letters also confirmed the previously-communicated three-day disciplinary layoffs.

Discussion and Decision

The Union opined that the Company was remiss in not informing the grievants in advance of the working conditions at Manton. The Union acknowledged that the grievants should have reported for work on June 5 and 6, but stated that the discipline administered to the grievants was far too severe under the circumstances. The Union particularly argued that the grievant who called the Foreman to report that he was sick on June 5 should not be given three disciplinary days off, that the Company had no valid reason for doubting this grievant's claim of being ill since apparently he has not had an absenteeism problem or abused his sick leave in the past.

The Company maintained that the subject discipline was proper, particularly since the grievants were warned in advance that they would be given three days off without pay if they did not report for work on June 5 and 6. Also, the Company noted that the grievant who called the job to report that he was sick on June 5 did not call or report for work on June 6; therefore, Company opined, he was just as culpable as the other grievants.

The Pre-Review Committee agrees with Union's position with respect to the grievant who informed the Foreman that he was ill on June 5; therefore, his discipline will be reduced to one day for failure to report to work or call in on June 6 and his reprimand letter will be rewritten to reflect this reduction. On the other hand, the Committee is in agreement with Company's position with respect to the other grievants; therefore, their three-day disciplinary layoffs will stand.

The Committee also questioned the propriety of the last sentence appearing in each of the subject letters of reprimand. This sentence reads, "While I respect your right to grieve this disciplinary action, I hope you will consider such a decision carefully because going through the grievance procedure would hurt building a team spirit we depend on." The Committee agrees that, while the sentence may not have been intended to be retributive, it conceivably could read as being so. Therefore, each of the subject letters will be rewritten with this sentence omitted.

Additionally, Company agrees that, in the future, a reasonable effort will be made to inform employees of the working conditions on a job before the employees report to such job.

The case is closed on the basis of the foregoing.



D. J. BERGMAN, Chairman
Review Committee



R. W. STALCUP, Secretary
Review Committee

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