

**REVIEW COMMITTEE****PG and E****IBEW**

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R.W. STALCUP, SECRETARY

**CASE CLOSED** DEC 16 1983  
**LOGGED AND FILED**

**RECEIVED DEC 15 1983**

D.J. BERGMAN, CHAIRMAN

- DECISION  
 LETTER DECISION  
 PRE-REVIEW REFERRAL

General Construction Grievance No. 3-1169-83-12  
P-RC 862

December 14, 1983

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

MR. CALLENDER, Union Member  
General Construction  
Joint Grievance Committee

Grievance Issue

Discharge of a Lineman.

Background and Facts of the Case

In July 1981, the grievant suffered an industrial injury. As a result, he was placed on the industrial compensation payroll.

On June 13, 1982, the grievant was released to return to full duty. On June 14, 1982, the grievant was called at his home and instructed to report for work on June 16 at Diamond Springs. The grievant at first indicated that he would report on the 16th as instructed; however, later on June 14, the grievant called the General Foreman's office and stated that he had a doctor's appointment on the 16th, and that, therefore, he would not be able to report for work that day. The grievant also requested permission to take June 17 and 18 off personal with permission. His request was granted, and it was agreed that he would report for work on Monday, June 21, 1982.

The grievant did not report for work or call the job on June 21. At approximately 9:00 a.m. that day, the grievant was contacted at his home, whereupon he claimed that he was ill.

The grievant reported for work on June 22, and worked without incident that day and the next day, June 23.

On June 24, 1982, the grievant called the job and requested sick leave for the day because he had a doctor's appointment. The grievant was seen by a physician at 2:00 p.m. that day.

On or about June 28, 1982, the grievant was issued a letter of reprimand for his failure to contact his job headquarters and inform his supervisor why he was unable to report for work on June 21.

On July 12, 1982, the grievant was 10 minutes late for work.

December 14, 1983

The grievant was scheduled to report for prearranged overtime work at 5:15 a.m. on July 13, 1982. He did not report for work as scheduled. At approximately 9:00 a.m. that day, someone other than the grievant telephoned the grievant's Foreman and stated that the grievant's mother had suffered a heart attack and that he would not be reporting for work that day.

The grievant did not report to work or call the job on July 14.

When the grievant returned to work on July 15, the Foreman informed him that his absences from work on July 13 and 14 would be recorded as off personal without permission, whereupon the grievant became upset and contacted his Superintendent. The Superintendent iterated that the grievant's time off the job on July 13 and 14 would be recorded as off personal without permission. At approximately 11:30 a.m. on July 15, the grievant was informed that he was being transferred to Clipper Mills. The grievant again became angry and informed his Foreman that he was resigning. The grievant then put his tools in his personal vehicle and left the jobsite.

The next day, Friday, July 16, the grievant called his superintendent and requested that his resignation be negated. After considering the grievant's request, the superintendent called the grievant on Monday, July 19, informed him that his request was granted, and instructed him to report to Clipper Mills on July 20.

The grievant reported for work as instructed on July 20, at which time he was issued a letter, dated July 19, which stated that the two days and three hours he was off work from July 15 to July 20 would be considered disciplinary time off. (This disciplinary time off was later reduced to two days, and the letter accordingly modified, as a result of a Joint Grievance Committee grievance settlement. The revised letter stated, in part, "In the future should you fail to report to work and on time each day without a justifiable reason or fail to call in in a timely manner, you could be subjected to more serious disciplinary action. You could receive more time off without pay or possible termination of your employment with the Company.")

On January 12, 1983, the grievant's wife called his job headquarters at 1:00 p.m. and reported that he was having car trouble and was en route home to get another car. The grievant did not report for work that day.

The grievant did not report for work or call the job on January 13.

As a result of his on-going failure to call the job in a timely manner and his absenteeism, he was issued a five-day disciplinary layoff, from January 17 through January 21, 1983.

At approximately 9:00 a.m. on January 24, the day the grievant was due to return to work from this disciplinary layoff, the grievant called his job headquarters and stated that he would not be reporting for work that day.

When the grievant returned to work on January 25, he was issued a written reprimand which confirmed the January 17 to January 21 disciplinary layoff. The reprimand letter suggested that the grievant contact the Employee Assistance Program, and concluded by stating, "Any further incident of this

matter, tardiness/absenteeism without notifying your job headquarters, will result in termination of your employment..." Neither the disciplinary layoff nor the written reprimand was grieved.

On February 14, 1983, the grievant called his Foreman "sometime during the morning" and stated that he was having trouble with his bank and would not be at work that day.

The grievant did not report for work on February 15 and did not call his Foreman that day until approximately 10:00 a.m. The grievant stated that the power to his home was going to be cut off, and that therefore he needed the day off.

On February 16, the grievant did not report for work, and did not call his Foreman until approximately 10:00 a.m. The grievant stated that he had car trouble on the way to work.

On February 17, 1983, the grievant did not report for work, and did not call his job headquarters until approximately 9:00 a.m. He stated that his truck broke down on the way to work.

The grievant did not report for work on February 18, and did not call his job headquarters until approximately 10:00 a.m. He stated that he was unable to find parts to repair his vehicles. The grievant then instructed to call his General Foreman. The grievant called his General Foreman and was informed by the latter that he was terminated.

#### Discussion

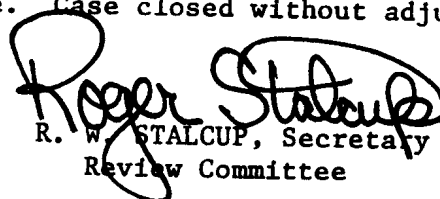
The Company member of the Pre-Review Committee noted that the grievant was warned through a series of increasingly severe disciplinary actions that continued instances of tardiness or absence without proper notification would result in his discharge; that between January 25, the date of the grievant's last reprimand, and his discharge on February 18, he was absent and failed to properly notify his supervision of his whereabouts on at least five occasions; that the grievant even called his job late on January 24, the day he was to return to work from the five-day disciplinary layoff he had received - for calling in late. The Company member opined that the grievant had utterly failed to respond to the Company's proper attempts to correct his aberrant behavior; that the grievant's attendance and call-in practices had in fact, become progressively worse, and that therefore his discharge was proper.

The Union member of the Pre-Review Committee agreed that the grievant's discharge was warranted, but opined that the reason for the discharge should be limited to his on-going failure to properly notify his supervision when he was not going to report for work.

#### Decision

The discharge was for just cause. Case closed without adjustment.

  
D. J. BERGMAN, Chairman  
Review Committee

  
R. W. STALCUP, Secretary  
Review Committee