

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

PACIFIC GAS AND ELECTRIC COMPANY
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INTERNATIONAL BROTHERHOOD OF
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R.W. STALCUP, SECRETARY

CASE CLOSED OCT 31 1983
LOGGED AND FILED

RECEIVED OCT 31 1983

D.J. BERGMAN, CHAIRMAN

- DECISION
 LETTER DECISION
 PRE-REVIEW REFERRAL

General Construction Grievance No. 3-1185-83-28
P-RC 866

October 27, 1983

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

MR. BOB CALLENDAR, Chairman
General Construction
Joint Grievance Committee

Facts of the Case

On March 28, 1983 the grievant, a Field Garage Mechanic A, telephoned his field garage to inform his supervision that he would be off sick that day and possibly for several more days. However, he spoke only to a Field Clerk during this telephone conversation. He mentioned to the Clerk that he planned to see his personal physician before returning to work. The Clerk suggested that the grievant obtain a certification of illness statement from his physician.

The grievant apparently returned to work on April 2, 1983. The record does not state whether he submitted a "verification of illness" form to the Company. However, he was paid sick leave for the time he was off work due to illness on and immediately following March 28.

The grievance alleges that Company required the grievant to obtain a "diagnosis and treatment report" from his doctor and that the Company is requesting the doctor to break doctor-patient confidentiality, and complains about the sick-reporting procedures established at the grievant's field garage.

The Company claimed that, since the grievant was not required to provide evidence of illness and was paid sick leave for the time he was off work, the Union had not presented a violation of the Agreement in this case.

The grievability of the issues presented by the grievance eventually was referred to the Review Committee.

Discussion

The Union member of the Pre-Review Committee acknowledged that no violation of the Agreement was presented by this grievance. The Union opined, however, that had paid sick been denied in this case, the decision on Review Committee File Nos. 1205 and 1256 and the decision on Pre-Review Committee Case No. 389 would have been applicable. Company agreed.

The decision on Review Committee Files 1205 and 1256 reads, in part:

"The thrust then of the considerations that supervisors should look to before requiring satisfactory evidence of the employee's illness are those out of the ordinary circumstances which indicate that an employee is abusing his sick leave record as opposed to making proper use of it. This is to say that the right to require satisfactory evidence of illness should be tempered with common sense consideration to separate those instances where the individual's record would legitimately cause concern of abuse from those in which a typical pattern of illness is followed. In short, the Review Committee is of the opinion that satisfactory evidence of illness should be required only in those individual situations in which the good judgement of supervision indicates that there is a likely abuse of the sick leave."

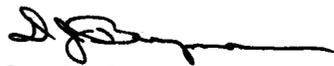
Pertinent excerpts from P-RC 389 are:

"Section 112.8 of the Physical Agreement and Review Committee Decision Nos. 1205 and 1256 clearly establish the Company's right to require satisfactory medical evidence before sick leave will be paid in cases of abuse or suspected abuse. ...it is apparent from our review of the employee's sick leave record, that his sick leave has been put to its proper and intended use...it would appear that the letter, which the grievant received, was inappropriate...as there is no suggestion that the employee was not ill when he claimed that he was too sick to work."

The parties have also settled numerous grievances upholding the right of Company to require proof of illness in cases involving excessive absenteeism.

Decision

The Pre-Review Committee is in agreement that denial of paid sick leave and the establishment of a requirement to provide satisfactory evidence of illness are subject to review in the grievance procedure. The present case is closed on the basis of the foregoing without adjustment.


D. J. BERGMAN, Chairman
Review Committee


R. W. STALCUP, Secretary
Review Committee

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