

**REVIEW COMMITTEE**7.1 (P)  
305.6**PG and E**PACIFIC GAS AND ELECTRIC COMPANY  
245 MARKET STREET, ROOM 444  
SAN FRANCISCO, CALIFORNIA 94106  
(415) 781-4211, EXTENSION 1125**CASE CLOSED  
LOGGED AND FILED**

FEB 28 1985

**IBEW** INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS, AFL-CIO  
LOCAL UNION 1245, I.B.E.W.  
P.O. BOX 4790  
WALNUT CREEK, CALIFORNIA 94596  
(415) 933-6060  
R.W. STALCUP, SECRETARY

D.J. BERGMAN, CHAIRMAN

**RECEIVED FEB 27 1985**

- DECISION  
 LETTER DECISION  
 PRE-REVIEW REFERRAL

General Construction Grievance Nos. 3-1324-84-56  
and 3-1325-84-57  
P-RC 983

February 27, 1985

MR. R. S. BAIN, Chairman  
General Construction  
Joint Grievance CommitteeMR. MIKE MC KINNEY, Chairman  
General Construction  
Joint Grievance Committee

The above-subject grievance has been discussed by the Pre-Review Committee prior to its docketing on the agenda of the Review Committee and is being returned, pursuant to Step Five A(ii) of the grievance procedure, to the Local Investigating Committee for settlement in accordance with the following:

Grievance Issue

Reprimand letter, disciplinary layoffs and discharge of a Helper for insubordination.

Facts of the Case

The grievant, who was first hired by the Company on July 21, 1975, had several periods of Company employment interrupted by and interspersed with resignations, layoffs and a brief leave of absence. His last period of employment began on May 21, 1982 in Civil-Hydro Construction.

On Tuesday, July 24, 1984, the grievant did not show up for work at his job headquarters at Camp I, De Sabla. On July 26, his supervisor became aware that the grievant had reported to Round Mountain on the 24th and had been working there since then. The grievant was instructed to call his General Foreman's office in Chico. He called as instructed and was told to report back to Camp I. Grievant stated that he could not do so because of financial difficulties and his wife's illness. Grievant was thereupon suspended. He remained on suspension the next day, Friday, July 27.

On Saturday, July 28, 1984, the grievant received a telephone call from an exempt supervisor, who told him he must report to Camp I on Monday, July 30. The grievant replied that he would be unable to report to Camp I on July 30 because his wife was having surgery. Grievant provided to the LIC a statement from Dr. Robert E. Holzman, dated August 2, 1984, which indicated that grievant's wife had surgery between June 25 and

June 27, 1984, and that she returned to his office in San Mateo for post-operative treatments on August 2, 1984.

Also on July 28, the grievant received a letter from the Manager of Civil-Hydro Construction informing him that the suspension on July 27 had been converted to a one-day disciplinary layoff for insubordination. This letter also instructed the grievant to report for work at Camp I on July 30.

The grievant did not report for work on July 30 or on July 31. On August 1, the grievant received a second letter from the Civil-Hydro Construction Manager. This letter informed the grievant that he was being given a five-day disciplinary layoff, commencing July 30 and ending August 3, for further insubordination. The letter informed the grievant that he must report to work at Camp I on August 6, 1984 at 7:00 a.m. or be discharged. The letter also advised the grievant of the availability of the Employee Assistance Program.

On August 6, the grievant reported to work at Camp I, but not until 10:00 a.m. He was discharged upon his arrival.

There is no evidence in the record of prior disciplinary action against the grievant.

The grievant told the Local Investigating Committee that he had spoken with his exempt Foreman about his family problems in March 1984, and was transferred nearer to his home at that time; that while working at Camp I during the week of July 17, 1984, he learned that a Helper with less Company Service than himself had been transferred to a job at Cedar Creek, near his home; that he confronted his exempt Foreman with this information, explained to the Foreman that he was having family problems, and demanded he be transferred to or near his Redding home; that he got no response from the Foreman other than a chuckle; that he transferred himself to Round Mountain on July 24; that his car overheated and stalled on the way to work on the morning of August 6, and that if this had not happened, he would have reported to work on time; that he did not have the Camp I telephone numbers nor any money to call from a pay phone to notify the job site that he would be arriving late on August 6; that he arrived at his home too late on Sunday night, August 5, to make commute arrangements for the next day with other employees; that he has never contacted the Employee Assistance Program; and that he has never been instructed on how to formally request a hardship transfer.

The grievant's Foreman told the Local Investigating Committee that he spoke with the grievant during April, 1984 about personal problems the grievant was having. At that time, at the grievant's request, the Foreman made an appointment with an Employee Assistance Program counselor for the grievant. The grievant failed to keep the scheduled appointment and did not again approach the Foreman regarding his personal problems.

The grievant's General Foreman told the Local Investigating Committee that the grievant has never requested a hardship transfer; that the grievant had worked in the northern area since his rehire in 1982; that the grievant was approached a number of times about transfers out of the

northern area, but that each time the grievant found it was not possible to leave and, therefore, was allowed to remain in the area; that he (General Foreman) was present at a meeting when a Field Personnel Representative explained to the grievant the procedure for filing a hardship transfer; that the employee who was transferred to Cedar Creek was a member of a crew which had been especially trained for work involving oil retention, and that the crew had come from the Clear Lake area just prior to July 24; that the grievant probably would have been transferred to the Redding area within a few weeks subsequent to July 24 because a new job was starting in that area.

The Field Personnel Representative who had explained the hardship-transfer procedure to the grievant confirmed that he had done so, and that he also explained to the grievant the Employee Assistance Program and how it might apply to the grievant. The Field Personnel Representative added that he again discussed these things with the grievant in June, 1984.

During the LIC, it was determined that the Grievant was a Vietnam era veteran. Following completion of the LIC but prior to preparation of the Report, both LIC members became aware that the Grievant had met on two occasions with Mr. Allison, the Employee Assistance Program counsellor at Redding. Each member of the LIC independently contacted Mr. Allison and each was told that the Grievant was possibly exhibiting classic signs of post Vietnam War syndrome as seen in combat veterans. It is noted, however, that the contact between the Grievant and the EAP counsellor occurred following his termination and did not result in any formal diagnosis, referral, or treatment.

On 12/1/84, the Grievant provided to the Pre-Review Committee an Authorization for Release of Medical Records. Thereafter, the Committee reviewed a letter from David L. Wilson, Clinical Psychologist, dated September 14, 1984. This document did not shed any new light on the issue in this case.

### Discussion

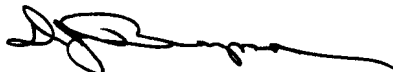
The Pre-Review Committee has reviewed and discussed the record of the case extensively, and has concluded that the progressive disciplinary steps taken by supervision in this case were appropriate. The grievant, notwithstanding his personal problems, had resorted to procedures (e.g., transferring himself and absenting himself from the job) which were inappropriate and improper. The record indicates that the grievant's supervision had accommodated him to some degree for an extended period of time with regard to his work locations. Also, the grievant incorrectly stated that he had never been instructed on how to file a hardship transfer request. Furthermore, he did not pursue a counseling program with the Employee Assistance Program, despite being informed of the availability of the Employee Assistance Program on several occasions. (The Pre-Review Committee has determined that the grievant did make contact with the Employee Assistance Program in April 1984, but apparently he made no follow-up contact.)

The Pre-Review Committee understands that several discussions were held with the grievant by the Union's Business Representative and the

Company's Personnel Representative; and that in these discussions these Representatives carefully explained to the grievant his rights under the terms of the Agreement, as well as advising him of where to go to get help.

Decision

In light of the foregoing, the Pre-Review Committee has decided that the subject disciplinary action and discharge were for just and sufficient cause. This case is closed without adjustment, and such closure should be so noted by the Joint Grievance Committee.



D. J. Bergman, Chairman  
Review Committee



R. W. Stalcup, Secretary  
Review Committee

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