

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

D.J. BERGMAN, CHAIRMAN

- DECISION
 LETTER DECISION
 PRE-REVIEW REFERRAL

**CASE CLOSED
LOGGED AND FILED****RECEIVED FEB - 2 1988**East Bay Region Grievance Nos. D1-2699-87-136
and D1-2692-87-129
P-RC 1251

FEB - 8 1988

IBEWINTERNATIONAL 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

January 29, 1988

VIRGINIA HAYES, Company Member
East Bay Region
Local Investigating CommitteeJOE VALENTINO, Union Member
East Bay Region
Local Investigating 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 VA(ii) of the grievance procedure, to the Local Investigating Committee for settlement in accordance with the following:

Subject of the Grievance

This file is comprised of two grievances; one concerns the denial of a leave of absence and the other concerns the grievant's discharge.

Facts of the Case

The grievant was a Helper with approximately 16 years of service at the time of discharge. As a result of off-the-job activities, the grievant was incarcerated from July 7, 1987, through August 27, 1987. For some of this time, he was granted personal business with permission without pay and vacation. However, beginning August 17, 1987, a formal leave of absence agreement would have been required pursuant to Section 101.1. Company denied the grievant's request for a leave of absence and discharged him effective August 17, 1987, due to his unavailability for work.

Discussion

The Union argued in this case that Section 101.1 states that leaves of absence without pay shall be granted to regular employees for urgent or substantial personal reasons and in their opinion, being incarcerated is both urgent and substantial. Company argued that it had been the practice to deny leave of absence requests for this reason.

The Pre-Review Committee examined and discussed Pre-Review Committee File No. 489, as well as several Fact Finding cases involving similar

situations, i.e., the termination of an incarcerated employee due to unavailability. The Pre-Review Committee concluded that the provisions of Section 101.1 have never been interpreted to be appropriate for incarceration.

Decision

The parties agree that the denial of the leave of absence did not violate the contract and that the subsequent discharge was for just and sufficient cause. This case is considered closed without adjustment and such closure should be so noted by the Local Investigating Committee.



DAVID J. BERGMAN, Chairman
Review Committee



ROGER W. STALCUP, Secretary
Review Committee

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