



REVIEW COMMITTEE

IBEW



PACIFIC GAS AND ELECTRIC COMPANY
215 MARKET STREET, ROOM 916
SAN FRANCISCO, CALIFORNIA 94106
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MAY 25 1989

**CASE CLOSED
LOGGED AND FILED
RECEIVED MAY 24 1989**

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

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

Steam Generation Grievance No. SF-24-478-88-86
P-RC 1319

May 19, 1989

KIM LYTTON, Company Member
Steam Generation
Local Investigating Committee

DEAN GURKE, Union Member
Steam Generation
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 5A(ii) of the grievance procedure, to the Local Investigating Committee for settlement in accordance with the decision.

Subject of Grievance

This case concerns the discharge of a Mechanical Helper from Hunter's Point Power Plant for continued unavailability.

Facts of the Case

The grievant was employed on June 2, 1980 and discharged effective October 3, 1988. On October 19, 1987, the grievant was issued a written reprimand for continued excessive absenteeism. On January 1, 1988, the Steam Department converted to the Positive Discipline system. In a letter dated December 23, 1987, the grievant was notified that he was to be placed at the Oral Reminder step in the attendance category.

On March 23, 1988, the grievant was issued a Written Reminder in the attendance category resulting from nine occasions of sick leave use and three occasions of personal business time off since October 19, 1987 Oral Reminder.

Four and one-half months later, on August 1, 1988, the grievant was issued a Decision Making Leave after having used 80 hours of sick leave (paid and unpaid), eight hours of personal business time off with permission, 24 hours of personal business time off without permission, and 296 hours on leave of absence after the March 23, 1988 Written Reminder.

After three absences in September, in addition to calling in sick on a prearranged overtime day, the grievant was coached and counselled on September 23, 1988 reminding him of his status at the Decision Making Leave step. The

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grievant was then absent on September 27 and September 30, 1988 resulting in his discharge on October 3, 1988.

The grievant stated his unavailability prior to the Decision Making Leave resulted from his addiction to crack cocaine, a habit since July 1986. He further stated he stopped using the drug following the Decision Making Leave and sought help by visiting with his priest and attending meetings at another church which advocated the "Just Say No" principle.

In July 1988 the grievant talked with an Employee Assistance Program counselor who referred him to a medical doctor for evaluation. The doctor recommended a 2-3 month out-patient evening program. The grievant declined to follow this recommendation. He had also declined in March to follow a course of action recommended by the Employee Assistance Program counselor.

Discussion

The Union opined that the grievant provided evidence of illness for his September absences; that they were unrelated to the drug problem; and that a number of other employees were sick with similar symptoms during September and, therefore, the discharge was not for just and sufficient cause.


Company noted that a Decision Making Leave is for total performances but moreover, the grievant continued to be unavailable for work, the reasons notwithstanding. That pattern of absenteeism is what caused him to be on a Decision Making Leave; he did not reach that step of the discipline procedure in another category or for reasons other than unacceptable attendance and that his actions in declining to pursue prudent advice may have contributed to his continuing absenteeism. Company noted that the grievant was not discharged immediately after the Decision Making Leave but after a three-week period of intermittent attendance and after additional coaching and counselling.

Decision

After a thorough review of this case, the Pre-Review Committee is in agreement that the discharge was for just and sufficient cause.

This case is 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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