



# REVIEW COMMITTEE

7.1(P) -Just Cause:  
24.1(C) Written Reminder  
for failure to  
follow call in procedure;  
claim that S/S & Supv  
agreed to lesser level of  
discipline & Supv reneged



PACIFIC GAS AND ELECTRIC COMPANY  
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(415) 973-1125

MAR 13 1991  
**CASE CLOSED  
LOGGED AND FILED**

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

D.J. BERGMAN, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

MAR 12 1991

Corporate Services Grievance No. 22-615-90-1  
P-RC 1450

March 8, 1991

SUSAN BEGGS-GERBER, Company Member  
Corporate Services  
Local Investigating Committee

KATHY MAAS, Union Member  
Corporate Services  
Local Investigating Committee

### Subject of the Grievance

This case concerns a Written Reminder given to a Computer Operator II for failure to follow the call-in/reporting procedure on January 6, 1990 and January 9, 1990.

### Discussion

The grievant had an active coaching and counselling (October 17, 1989) for a suspicious sick leave usage pattern. He did not have any active formal disciplinary steps.

The Union's position as stated on the grievance form was that the "grievance was settled at 1st step on 1/10/90. After grievance was settled at 1st step, with the shop steward and company, grievant was then given a written reminder. Union contends that company's action is without just and sufficient cause." Additionally, the Union argued that the incidents did not warrant bypassing the Oral Reminder step in the disciplinary procedure.

The Company responded that the meeting on January 10, 1990 was investigatory to determine the reasons for the grievant's failure to observe the call-in procedures and report to work as expected in order to determine what, if any, discipline was in order. The supervisor denied reaching any agreement with the steward prior to the issuance of the Written Reminder. This appears to be borne out by the Shop Steward's memo regarding the January 10, 1990 meeting which states: "We agreed that this meeting could be either 'off the record' or if you preferred, we had no objection to it being considered a coaching and counseling in which case you agreed to inform me next week since I'm not working Friday or Saturday and you're off Sunday and Monday" (emphasis added). Further, the determination of discipline is vested exclusively with Management (Section 24.1) and is not negotiated with Union prior to its being administered. In addition, pursuant to Section 9.6, step one of the grievance procedure, first-stepping discipline is not required.

March 8, 1991

With regard to bypassing the Oral Reminder, Company opined that an employee's failure to call-in an absence prior to the start of scheduled hours and incidents of no call; no show demonstrate serious disregard of an employee's responsibilities. Given the grievant's multiple offenses in rapid succession, Company believes the Written Reminder was for just cause.

Decision

Prior to the Pre-Review Committee resolving the differences in the parties' respective positions, the Written Reminder was deactivated rendering the grievance moot.

However, it is recommended that supervisors are clear with employees and shop stewards at the conclusion of investigatory meetings about the status of the decision to discipline. Supervisors are encouraged to state that they will meet again with the employee to inform the employee of the discipline to be taken, if any.

This case is closed without adjustment based on the foregoing and without prejudice.

  
DAVID J. BERGMAN, Chairman  
Review Committee

  
ROGER W. STALCUP, Secretary  
Review Committee

MAShort(223-1123):nj