

3.4; 112.8: Alleged discriminatory transfer after "sickout" & requirement to provide evidence of illness.



REVIEW COMMITTEE

IBEW



PACIFIC GAS AND ELECTRIC COMPANY
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INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W.
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WALNUT CREEK, CALIFORNIA 94596
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R.W. STALCUP, SECRETARY

**CASE CLOSED
LOGGED AND FILED**

RECEIVED JUL 27 1993

D.J. BERGMAN, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

Pre-Review Committee File No. 1655

ENCON Grievance No. 03-2406-93-064 *lm*

Bill McLoughlin, Company Member
Local Investigating Committee

Joel Ellioff, Union Member
Local Investigating Committee

Grievance Issue: Company's alleged discriminatory and punitive transfer of a Working Foreman A.

Facts of the Case: The grievant rescheduled his August vacation to be available for vacation relief. Upon the grievant's return from vacation the Field Superintendent selected another employee for temporary exempt upgrade. The grievant stated he was told by the Field Superintendent that the Company wanted to train younger employees, a statement which the Field Superintendent denies making.

In January the grievant's crew was sent home for inclement weather for several days and on the day the crew was to return to work the grievant called in sick. This Field Superintendent required those employees who called in sick to provide "proof of illness" due to an alleged "sick-out".

A few days following the sick day the grievant was transferred to San Francisco. Within a month from the transfer ten working foremen have been transferred into the area where the grievant was working.

Discussion and Disposition: Union opined that Grievant was punitively transferred to San Francisco as a result of this sequence of events which commenced in August. Grievant was not only discriminated against as a result of age, he continued to be harassed as a result of his questioning Oakland's inclement weather policy. Union requests Grievant be transferred back to the Oakland area and Company apologize for its behavior in this case to Grievant.

July 20, 1993

Company opined that Grievant was transferred as a result of business based reasons. Grievant was neither harassed nor discriminated against as a result of age. Per Grievant's own testimony, he had not been transferred since 1982. Furthermore, Grievant was caused no undue hardships as he resides in Fremont, a commutable distance from his current Point of Assembly at Embarcadero Substation. There occurred no violation of any contractual language in the case.

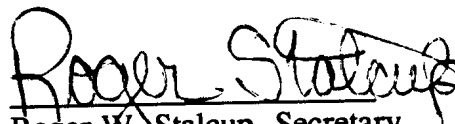
The Committee decided that in this case the employee be offered a position back in the Oakland Area and this case will be considered closed without prejudice.



Rick R. Doering, Chairman
Review Committee

7/27/93

Date



Roger W. Stalcup, Secretary
Review Committee

7/27/93

Date