



REVIEW COMMITTEE



IBEW

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CASE CLOSED
FILED & LOGGED
AUG 11 1994

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W
P.O. BOX 4790
WALNUT CREEK, CALIFORNIA 94596
(510) 933-6060
R.W. STALCUP, SECRETARY

RICK R. DOERING, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

Shasta Division Grievance No. SIE-93-06
P-RC File No. 1715

Grievance Issue: Denial of Sick Leave

Facts of the Case:

Grievant's daughter was in the hospital and the grievant request time off. The grievant requested sick leave. The supervisor told the grievant proof of illness would be required. The grievant provided a note from his daughter's physician stating the grievant was under a great deal of stress. The supervisor told the grievant that this note was not adequate and would not convert the time off to sick leave.

The grievant was off vacation 23 days and 3 days sick during this period of time.

Discussion:

The Union's position is that the grievant did everything that was expected of him. He provided satisfactory evidence from a physician that he was under a great deal of stress. This documentation should have been adequate to convert his vacation to sick leave.

The Company's position is that the grievant requested time off to be with his daughter during her heart transplant operation. While this is understandably a stressful situation, the grievant did not indicate that he was suffering any physical or mental symptoms which would have prevented him from working. Consistent with Review Committee Decision 1549, denial of sick leave is appropriate.

The grievant was advised that he would not be granted sick leave unless he provided satisfactory evidence from his personal physician that he was physically unable to work. While the grievant has submitted three medical statements, at no time was he ever evaluated or treated for any mental or physical disability. Since the Union's argument is based on the medical information provided by the grievant, it's important to look closely at that information.

First, the Kaiser form does not indicate that the grievant was sick. The box indicating that the grievant "has been ill and unable to work" has not been checked. The box that the grievant "states he has been unable to work" has been checked. This provides no evidence that the grievant was unable to work.

Second, the June 18, 1993 letter from the grievant's daughter's doctor is simply that a letter from his daughter's doctor. At no time did the Doctor, who is a cardiologist, exam the grievant, prescribe any sort of treatment, or indicate dates when the grievant was physically or mentally unable to work.

Third, the August 11, 1993 letter from the doctor contradicts portions of cardiologist's letter. The doctor indicates that the reason for the grievant's absence was to be with his daughter. There is no reference to any kind of physical or mental problems with the grievant.

The Company is sympathetic to the grievant's situation and local management appropriately granted unscheduled vacation to the grievant. The issue is whether the grievant's reason for being off work was to be with his daughter or whether he was unable to work. It is understandable that the situation with his daughter was stressful. But a stressful situation does not equate to sick leave unless there is satisfactory evidence of illness.

Disposition

The Committee agrees that the purpose of sick leave is to provide income protection for an employee who misses work when the employee is ill or disabled. There is no other right to use sick leave for any other purpose except medical, dental or vision care appointments.

The Committee agreed in this case as an equity settlement to convert seven days of vacation to sick leave. This case is closed without further adjustment.



John A. Moffat, Acting Chairman
Review Committee

7/20/94
Date



Roger Stalcup, Secretary
Review Committee

7/15/94
Date