



REVIEW COMMITTEE

IBEW



PACIFIC GAS AND ELECTRIC COMPANY
201 MISSION STREET, ROOM 1508
MAIL CODE P15B
P.O. BOX 770000
SAN FRANCISCO, CALIFORNIA 94177
(415) 973-8510

**CASE CLOSED
FILED & LOGGED**

JUN 09 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

**MOSS LANDING POWER PLANT GRIEVANCE NO. MLP-93-7
P-RC 1730**

SUBJECT OF THE GRIEVANCE:

This case concerns the discharge of a Traveling Utility Worker for continued unavailability. At the time of the discharge, the grievant had approximately three years of service.

FACTS OF THE CASE:

On June 11, 1993, the grievant was issued an Oral Reminder in the attendance category for failing to report to work on time and unavailability. On August 10, 1993, the grievant was issued a Written Reminder for taking personal business time off without permission. During both discussions, the supervisor strongly urged the grievant to utilize the Employee Assistance Program. Following the Written Reminder the grievant was coached and counseled on four separate occasions for reporting to work late.

The grievant was placed on a Decision Making Leave on September 23, 1993, for failing to report to a prearranged overtime assignment. Again the grievant was advised to seek the assistance of an EAP counselor. This disciplinary action was grieved and was upheld in the grievance procedure. As a condition of the grievance settlement, the grievant enrolled in an EAP program.

The following events lead to the grievant's discharge. On Friday, December 3, 1993, the grievant called his supervisor to tell him that he would be unable to report to work because he needed to reach the EAP counselor. The grievant was not able to reach the counselor until the afternoon, so he never reported to work on that day. The next three days were the grievant's scheduled days off. On Tuesday, December 7, the grievant reported to work. On Wednesday (December 8), the grievant called in sick. On Thursday (December 9), the grievant reported to work. On Friday, December 10, the grievant called in two hours late and informed his supervisor that he was attempting to reach the EAP counselor. The grievant never reported to work on that day.

On December 15, 1993, the grievant was discharged.

DISCUSSION:

In discussing this case, the Committee noted that the grievant had been given ample opportunity to correct the problems that affected his availability. Even though the grievant was experiencing personal problems, he still has the responsibility to report to work.

The Committee also noted that the grievant was urged to contact the EAP counselor at the very early stages of positive discipline process. His supervisor played an active role in the EAP process by ensuring that the grievant was familiar with the program and by following up with the counselor whenever necessary. However the grievant's actions suggested that he was using the program in order to avoid disciplinary action. This became apparent when the grievant had an opportunity to contact the EAP counselor on the days that he was scheduled to be off. Instead, the grievant chose to wait until a workday to attempt make contact. As noted in previous grievance decisions, seeking treatment for personal problems prior to discharge, is not at all a guarantee for avoiding an otherwise proper discharge. Coupled with the fact that the grievant has short service with the company is the number of opportunities he was given to correct the problem. Discharge is therefore upheld.



John A. Moffat, Acting
Chairman Review Committee

6/9/94

Date



Roger W. Stalcup, Secretary
Review Committee

6/6/94

Date