



## REVIEW COMMITTEE

**IBEW**



PACIFIC GAS AND ELECTRIC COMPANY  
2850 SHADELANDS DRIVE, SUITE 100  
WALNUT CREEK, CALIFORNIA 94598  
(925) 974-4282

MARGARET A. SHORT, CHAIRMAN

DECISION  
LETTER DECISION  
PRE-REVIEW REFERRAL

RECEIVED by LU 1245  
AUG. 9, 2001

**CASE CLOSED  
FILED & LOGGED**

INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS, AFL-CIO  
LOCAL UNION 1245, I.B.E.W.  
P.O. BOX 4790  
WALNUT CREEK, CALIFORNIA 94596  
(925) 933-6060  
SALIM A. TAMIMI, SECRETARY

### Pre-Review Committee No. 12305

Robin Wix  
Company Member  
Local Investigating Committee

Arlene Edwards  
Union Member  
Local Investigating Committee

#### Subject of the Grievance

This grievance concerns the discharge of a Senior Service Representative at the Sacramento Call Center for being off work and failing to submit a Leave of Absence application.

#### Facts of the Case

On October 16, 2000, the grievant called in sick. After three days of absence, supervision contacted the grievant at home and advised her that medical documentation regarding her absence was required. The grievant indicated that she had a doctor's appointment on the following day and would fax the documentation to Safety Health & Claims (SH&C). On October 25, supervision again contacted the grievant and advised her that no documentation had been received, that her time off was considered as non-industrial, and that she needed to provide a signed Leave of Absence application as she was out of paid sick leave. SH&C received medical documentation for the period from October 16 through October 27.

The grievant did not return to work following October 27<sup>th</sup> and on November 6<sup>th</sup> she was sent a "ten day letter". The letter contained a Leave of Absence application and admonishment that failure to complete and return the application within 10 days would result in her termination. On November 17, 2000, the grievant was terminated.

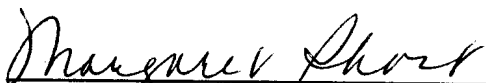
The Union filed a grievance on behalf of the grievant (12246). It was discovered that the ten-day letter had been sent to an old address and that the grievant had not received it. As such, the parties agreed to reinstate on the condition that she either return to work with a medical release or submit a properly completed Leave of Absence application by December 15, 2000. If the grievant failed to meet these conditions by December 15, 2000, she would again be administratively terminated. The grievant was sent a second ten-day letter on December 1. She again failed to provide the required paperwork and was terminated on December 18, 2000.

Discussion

The Committee discussed that under Section 6.1 of the Clerical Labor Agreement, employees who exhaust their paid sick leave have the right to apply for a leave of absence. Employees who fail to provide a properly completed application have no status with the Company and may be administratively terminated.

Decision

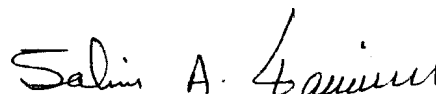
In this instant case, the grievant was twice provided written ten-day notice of her responsibility to provide the proper paperwork. She was advised that her failure to do so could result in her termination. Given that the grievant was given proper notice, the Pre-Review Committee agrees that the termination was for just cause. The Committee noted that the grievant has a claim with the Workers' Compensation Appeals Board. Should her claim be accepted, the Union retains the right to reopen this case within the time limits prescribed in Title 9.



Margaret A. Short, Chairman  
Review Committee

8/8/01

Date



Sam Tamimi, Secretary  
Review Committee

Aug. 8-2001

Date