

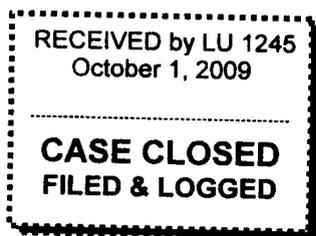


## REVIEW COMMITTEE



PACIFIC GAS AND ELECTRIC COMPANY  
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INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS, AFL-CIO  
LOCAL UNION 1245, I.B.E.W.  
P.O. BOX 2547  
VACAVILLE, CALIFORNIA 94696  
(707) 452-2700



JOHN MOFFAT, CHAIRMAN

BOB CHOATE, SECRETARY

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

### Pre-Review Committee No. 19083 Customer Care – Call Center – San Jose

Michelle Lee  
Company Member  
Local investigating Committee

Debbie Manzanti  
Union Member  
Local Investigating Committee

#### Subject of the Grievance:

Termination of a part time CSR who was on a DML for continued unavailability.

#### Facts of the Case:

The Grievant was hired in January 2005 and works a 30 hour per week part time schedule.

On March 20, 2009, the Grievant was terminated while on the active DML.

The triggering event was an authorized absence on March 2, 2009. The Grievant had called in requesting FMLA for her sick child. The Grievant had not worked enough hours to qualify for FMLA. The Grievant was of the opinion that she only needed 1180 to qualify and was told the requirement is 1250 in the preceding 12 months. The Grievant had been provided a FMLA packet which states how many hours are needed to qualify.

The Grievant received a Written Reminder for attendance on February 22, 2008 and a DML for attendance on May 5, 2008. The Grievant had two coaching and counseling sessions following the DML.

Following the Written Reminder the Grievant had 170 hours of unavailability in the preceding 12 months and at the time of the DML the Grievant had 679 hours of unavailability in the preceding 12 month period. At the time of termination the Grievant had 202 hours of unavailability in the preceding 12 months.

The Grievant's explanation is that between April through May 2008 her son had asthma and both her and her son were getting sick on and off. In February 2008 the Grievant's daycare provider broke her back and the Grievant could not come to work.

The supervisor reviewed the attendance management policy again with the Grievant in January 2009. The supervisor accommodated the employee on February 2, 2009 when she called in sick for herself and her child and was granted a floating holiday. On February 18, 2009 the Grievant requested time

off for out patient surgery and her supervisor granted her vacation in order to approve the time off. The supervisor had made efforts to assist the Grievant in bringing her attendance to an acceptable level.

Discussion:

The Union argued that since the Grievant was placed on a DML she has improved her attendance record. The Union further argued that the incident that triggered the discharge was very minor and did not justify the harsh treatment and that the Grievant was truthful for the reason for the absence.

The Grievant in this case has short service and was on an active DML. The Grievant received two coaching and counseling since the DML was issued. The Grievant has failed to sustain her commitment to follow the established attendance policy. The supervision has extended efforts to assist the Grievant in meeting the department's expectations.

Decision:

Based on the totality of the record the termination was for just and sufficient cause. This case is closed without adjustment.

  
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John A. Moffat, Chairman  
Review Committee  
9/18/09  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Bob Choate, Secretary  
Review Committee  
9/18/09  
\_\_\_\_\_  
Date