



REVIEW COMMITTEE



PACIFIC GAS AND ELECTRIC COMPANY
LABOR RELATIONS DEPARTMENT
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INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W.
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DOUG VEADER, CHAIRMAN
 DECISION
 LETTER DECISION
 PRE-REVIEW REFERRAL

F.E. (ED) DWYER Jr, SECRETARY

Pre-Review Committee Numbers 21634 & 21669 Electric Operations – Restoration & Control – Hayward

Voncille Williams
Company Member
Local Investigating Committee

Lou Mennel
Union Member
Local Investigating Committee

Subject of the Grievance

These grievances concern a Mitigation of Discharge letter issued to a System Operator and notice of his removal from his classification under the provisions of Section 206.15.

Facts of the Case

The grievant had 37 years of service and was on a Decision Making Leave (DML) at the time of these actions. Following the issuance of the DML for operating errors, the grievant was sent to San Ramon for additional training. Upon his return to work, the grievant had attendance and conduct issues. Given the grievant's length of service, a decision was made to issue a "Mitigation of Termination" letter.

During the April 27, 2012 mitigation of discharge discussion, the grievant was advised that he was being removed from his classifications given his continuing performance issues. The Company's intent to remove the grievant was confirmed in writing on May 16, 2012. The grievant was advised he had until the end of the month to be placed in another position or his employment would be terminated.

Immediately following the May 16 notice, the grievant applied for a medical leave of absence. The leave was approved retroactive to May 7, but his leave request beyond May 16 was not approved because of his failure to submit the proper paperwork. The grievant advised the Company by mail of his intent to retire on June 1, 2012 and the Company accepted his separation on June 4, 2012. He then applied for retirement which was effective July 1, 2012 with pension payments available on September 1, 2012. The grievant opted to begin receiving his pension payments effective December 1, 2012.

Discussion


The Committee discussed that while the removal of an employee under the provisions of Section 206.15 is a proper subject for the grievance procedure, the issuance of a mitigation of discharge letter is not. The decision to mitigate a discharge is not a formal step of discipline and there for not subject to challenge.

In regard to the Section 206.15 removal notice, the Union had argued that the employee should have been granted a leave of absence rather than be removed. The Company noted that four months prior to the removal notice, the grievant had provided medical documentation that he was able to perform his job and indicated had no issues impacting his ability to perform his job. Only after he was notified that he was being removed did he request a medical leave.

Although the parties have different views on this grievance, the Committee noted that the grievant opted to apply for his pension. Given his notice by letter to retire on June 1, 2012 and the Company's acceptance on June 4, 2012, the correction sought (to be placed on a leave of absence between May 16, 2012 and July 28, 2012) cannot be granted.

Decision

The Committee agrees to close both of these grievances without adjustment.



Doug Veader, Chairman
Review Committee

3/27/13

Date



F.E. (Ed) Dwyer Jr. Secretary
Review Committee

3/27/2013

Date