

REVIEW COMMITTEE DECISION

Review Committee Files Nos. 1123 and 1124
San Joaquin Division Grievances Nos.
D.Gr/C 25-71-10 and LIC 25-71-6

Statement of Fact

These cases concern absences to attend the funeral of an employee. The first deals with the Division's determination of which employees, of those requesting time off, would be allowed the time off with pay to attend the funeral; and the second, the discipline meted out to those employees who were not authorized to attend the funeral but did so anyway. The funeral was conducted during work hours on a regular work day.

In the first case, about 45 employees applied for time off under the provisions of the funeral leave policy established by the Company and incorporated in the settlement of the 1966 negotiations with the Union. Under the policy regular employees authorized to be absent from work are entitled to pay for the time necessary to attend the funeral. After reviewing the work requirements of the day of the funeral, about half of the employees requesting the time off with pay were authorized to do so. Others, denied the time off, requested the time off without pay, which was denied inasmuch as their absence would interfere with the scheduled work whether with pay or without.

Seven of those denied the time off absented themselves from work and attended the funeral. They were docked for the time they were not at work that day and, in addition, received another day off without pay and a disciplinary letter for their unauthorized absences.

Discussion

For our purposes here the two cases will be considered together as the focal point of each deals with the question of Company's control over time off from work.

The answer is clearly stated in Title 101 - Leave of Absence, and the provisions of that Title, insofar as they govern the conditions for permitting an employee time away from work, are applicable to these facts. Thus, whether the request is for a leave of absence, or to be absent without pay for less than 10 consecutive days, or with pay for the time necessary to attend a funeral, a requisite in any case is that "... adequate arrangements can be made to take care of the employee's duties without undue interference with the normal routine of work."

Looking then to Case No. 1123, lacking any facts to the contrary in the record submitted to it, the Review Committee cannot say that more could have been authorized to attend the funeral and still not have interfered with the normal routine of work.

This being so, then, the employees who absented themselves without permission did so at their own risk of the consequences that might follow. Having taken the matter in their own hands rather than seeking redress through the grievance procedures, the Review Committee, in this case, will not intercede for them.

Decision

The grievances are denied and the cases closed.

FOR UNION:

W. H. Burr
E. R. Sheldon
L. N. Foss

By s/L. N. Foss

Date November 1, 1972

FOR COMPANY:

J. A. Fairchild
H. J. Stefanetti
L. V. Brown

By s/L. V. Brown

Date November 1, 1972