

REVIEW COMMITTEE DECISION

Review Committee File No. 1150 (Arb Case 41)
San Joaquin Division L.I.C. Grievance No. 25-72-2

Statement of Facts

The grievant, a Lineman, was discharged effective March 2, 1972. The grievance was processed through the usual channels and referred to Review Committee. The Review Committee could not agree to the disposition of the grievance and the Union filed the case for arbitration.

In accordance with the provisions of the Labor Agreement, Arbitrator John Kagel was selected as the neutral member of the Board. A meeting of the Board was held July 5, 1972 to hear the case. A hearing was held before the Board and testimony taken from the District Electric Superintendent, two Field Line Foremen, three Subforemen, and a Lineman. The grievant was present during all of the hearing and testified in his own behalf. The following day the Board concluded that "The discharge of (the grievant) is not sustained although discipline is justified. That matter is remanded to the Review Committee for disposition."

This decision, then, deals with the matter of the grievant's reinstatement.

Decision

1. The grievant is reinstated without back pay.
2. The grievant's Company and classification seniority will be uninterrupted for the period of March 2 to July 10, 1972, the day he was reinstated.
3. The grievant will be reinstated to any benefit plan that he was a participant in on March 2, 1972.
4. Future misconduct on the job of the nature that was the basis for the discipline imposed herein will be cause for immediate discharge and if such discharge occurs within eight months of his reinstatement it will be without recourse to the grievance procedure, except to determine whether such misconduct occurred.

FOR UNION:

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

By s/L. N. Foss

Date August 11, 1972

FOR COMPANY:

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

By s/L. V. Brown

Date August 11, 1972