

REVIEW COMMITTEE DECISION

Review Committee File Nos. 1205 and 1256
San Joaquin Division Grievance No. D.Gr/C 25-72-8 and
Coast Valleys Division Grievance No. 18-72-12

Statement of Facts

Grievance No. 1256 involves a relatively simple factual situation, putting at issue the provisions of Section 209.7 of the Physical Labor Agreement. The facts are these: The grievant was reportedly off sick for two days, October 26 and 27, 1972. He requested sick leave and was informed that he would not be paid until he furnished evidence of his illness, i.e., a doctor's verification, which he did and then filed this grievance.

Grievance No. 1205 also concerns the Company requiring satisfactory evidence of an employee's illness or disability before sick leave will be granted. The issue here is whether the mere completion of a "Sickness Report" satisfies the provisions of Section 209.7.

Discussion

As set out by the facts, the issue here is whether or not under these facts the Company could require the grievant to procure an acceptable verification of his illness before excusing the employee's absence or paying sick leave. Plainly, Section 209.7 allows for this, while at the same time absence of grievances in this regard indicates that its use has been restrained over the period of years that the section has been incorporated in the Labor Agreement, almost a quarter of a century. Although this brief answer reaches the technical point of what is permitted, the Review Committee believes that some further discussion is called for to serve as a guide for future implementation of the section.

The Company's records show that the use of sick leave has been increasing over the last few years and that the system average nearly reaches the annual sick leave allotment provided for employees of the bargaining unit. At the outset though, it should be clearly borne in mind that the single purpose of the sick leave section is just that - to provide income when the employee is ill or disabled, and there is no right to use sick leave for any other purpose.

There are times, however, when the number of sick days claimed raises a reasonable suspicion that they are not being put to the proper use. For one example, a sick leave record that shows that the ten-day annual sick leave allotment is used every year in the first month or two of the year and the employee is seldom absent following that. Another is the so-called Monday-Friday syndrome, where in looking at the employee's annual sick leave record, it is noted that sicknesses in the main occur the day before or the day after his non-work days. There may be many more examples that could be given, but they would be of little use here for in the final analysis each situation must be looked at individually before a determination should be made that the employee is suspected of abusing his sick leave record.

The thrust then of the considerations that supervisors should look to before requiring satisfactory evidence of the employee's illness are those out of the ordinary circumstances which indicate that an employee is abusing his sick leave record as opposed to making proper use of it. This is to say that the right to require satisfactory evidence of illness should be tempered with common sense consideration to separate those instances where the individual's record would legitimately cause concern of abuse from those in which a typical pattern of illness is followed. In short, the Review Committee is of the opinion that satisfactory evidence of illness should be required only in those individual situations in which the good judgment of supervision indicates that there is a likely abuse of the sick leave.

Decision

These cases are closed without adjustment.

FOR UNION:

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By *L. N. Foss*

Date 12-19-73

FOR COMPANY:

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Date 12-19-73