

REVIEW COMMITTEE DECISION

Review Committee File No. 1238
San Francisco Division L.I.C. Grievance No. 2-73-3

Subject of the Grievance

This grievance followed the discharge of a part-time Customer Service Clerk employed in the Company's San Francisco office after he absented himself from work half-way through an evening shift without informing his supervisor that he was leaving or of the reason necessitating his going home. As the classification title suggests, the employee's primary function is to take customers' service requests and other calls over the telephone.

It is abundantly clear from the facts in this case that the final incident was merely the straw that broke the camel's back inasmuch as a review of the employee's past work record presents a deplorable picture of continuing irresponsible conduct. In fact, a short time back his services with the Company were terminated for basically the same reason. Following an investigation of that discharge, the Local Investigating Committee, in the view of the Review Committee, showed considerable leniency in reinstating him on the condition that failure to bring his attendance record up to par would be proper cause for discharge at that time.

Discussion

Notwithstanding the previous conditions of reinstatement, the Review Committee is of the opinion that the circumstances present in this case, although warranting some severe penalty, do not support the grievant's discharge. The prime factors leading to this decision are the following:

1. Before leaving the grievant mentioned to a fellow employee that he was ill, the reason later alleged for leaving, and the record is devoid of any demonstrable evidence that he was not ill.
2. Of even greater importance to the decision, however, is the lack of a firm rule in that department requiring notice or authorization prior to leaving in this situation where no supervisors are assigned to work that shift.

On the other hand, the cumulative effect of his poor past record of employment makes it abundantly clear that his reason for leaving, which has never been corroborated, was legitimately viewed with skepticism by his supervisor. Thus, where the employee has been previously put on notice that absenting himself from work will have an adverse and detrimental effect on his continued employment, the lack of a firm rule in that regard will not entirely excuse his leaving without notifying his supervisor. In short, with this employee's record in mind and adding to that the fact that he is working in a responsible position where his presence

on the job is critical, it is only reasonable, in turn, to expect him to show a responsible attitude by contacting the department supervisor and where, as here, he willfully fails to meet this common-sense expectation, this Committee is left with little room to reach any other conclusion than that he has displayed an irresponsible attitude that is incompatible with his responsibilities to his job. For this reason, his reinstatement at this time will be without pay. However, in this instance the decision may later be modified if the grievant requests a Review Committee hearing and as a result of such hearing additional evidence is received which calls for a different conclusion.

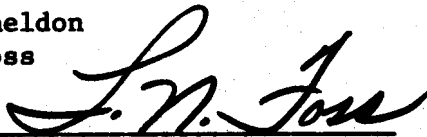
Decision

The employee shall be offered reinstatement without retroactive wage adjustment effective April 2, 1973.

FOR UNION:

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

By

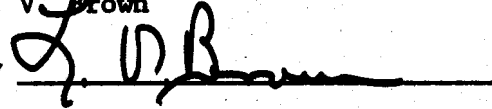


Date April 2, 1973

FOR COMPANY:

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

By



Date April 2, 1973