

REVIEW COMMITTEE DECISION

Review Committee File No. 1253
San Jose Division Grievance No. D.Gr/C 8-73-7

Subject of the Grievance

The grievance concerns a one-day disciplinary layoff without pay of seven employees of the San Jose Division following their failure to report back to work after attending the funeral services of two fellow employees. The majority of employees in the San Jose Service Center were granted the time off to attend the funerals.

The Review Committee resolved this grievance by letter decision on November 21, 1973, indicating that there were six grievants; and of those six, the disciplinary action was upheld for two of them. Subsequently, the San Jose Division notified the Review Committee that the decision contained factual errors and did not specifically spell out the employees who should receive pay for the time they were suspended. The Review Committee reinvestigated the grievance and established the following facts:

1. There were 22 employees that did not return to work on the day in question.
2. Six of those employees called in prior to 12:30 p.m. and obtained permission to further console the families and have the remainder of the day off without pay. These employees did not receive a letter of reprimand.
3. Four employees called in at approximately 2 to 3 p.m. to notify supervision that they would not return in order to further console the families. Those employees were not paid for the remainder of the day and received a letter of reprimand.
4. Five employees did not return for the remainder of the day, did not notify supervision of their whereabouts, but did console the families. They did not receive pay for the remainder of the day and also received a letter of reprimand for their actions.
5. Grievants Dunlavy, Garcia, Harris, and Weininger did not return for the remainder of the day, did not notify supervision of their whereabouts, nor did they console the families. However, the testimony of these grievants during the Local Investigating Committee's hearing establishes a question as to whether or not they knew they should return to work after the funeral. They received the remainder of the day off without pay and also received a one-day disciplinary layoff without pay and a letter of reprimand for their actions.
6. Grievants Brown, Jensen, and Scharf's actions were the same as those employees in Item 5 except for the fact that they knew they were to return to work after the funeral. They also received the remainder of the day off without pay and received a one-day disciplinary layoff without pay and a letter of reprimand for their actions.

Discussion

Although the reasons of those who were issued only a disciplinary letter are laudable, they are not a proper reason for absenting themselves from

work without the prior permission of the Supervisor. Likewise, the grievants here improperly failed to report for work. In either case, then, discipline is warranted. The question here is whether the penalty should differ because of the differing reasons for not reporting back; and in the Committee's opinion, it should.

Decision

The following is the decision of the Review Committee:

First, the Division's action with reference to the employees involved in Items 1 to 4 was justified under the facts.

Second, the grievants involved in Item 5 will lose eight hours' wages, four of which are for March 5, 1973, and four of which are for March 12, 1973, and receive disciplinary letters.

Third, the grievants involved in Item 6 will lose 12 hours' wages, four of which are for March 5, 1973, and eight of which are for March 12, 1973, and receive disciplinary letters.

FOR UNION:

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

By

Date

L. N. Foss

1-18-74

FOR COMPANY:

J. A. Fairchild
Paul Matthew
L. V. Brown

By

Date

L. V. Brown

1-18-74

REVIEW COMMITTEE DECISION

Review Committee File No. 1253
San Jose Division Grievance No. D.Gr/C 8-73-7

Subject of the Grievance

The grievance concerns a day-and-a-half disciplinary layoff without pay of six employees of the San Jose Division following their failure to report back to work after attending the funeral services of two fellow employees. All the employees of the San Jose Service Center were granted the time off to attend the funerals.

Two of the grievants admitted that they knew that they were to return to work following the conclusion of the funeral services. The other four, however, disclaim any such knowledge; and they testified to the Local Investigating Committee they felt the permission to attend the funeral excused them from work for that day.

A later investigation by the Review Committee established that numerous other employees also did not report back to work following the conclusion of the services. The next day the Supervisor interviewed each of them. Those who stated that they took the additional time to further console the families were paid for the day. However, a letter was issued to them pointing out that they should have returned to work. The letters were disciplinary in nature.

Discussion

Although the reasons of those who were issued only a disciplinary letter are laudable, they are not a proper reason for absenting themselves from work without the prior permission of the Supervisor. Likewise, the grievants here improperly failed to report for work. In either case, then, discipline is warranted. The question here is whether the penalty should differ because of the differing reasons for not reporting back.

Decision

The Division's decision to layoff the six employees is upheld as to the two employees who admitted they knew they should have returned to work. Because of the uncertainty of whether the remaining four employees knew they should return to work, their discipline is reduced to loss of pay of four hours each.

FOR UNION:

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

By



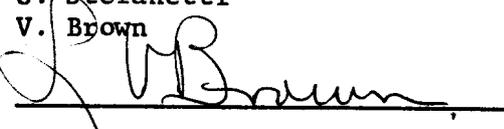
Date

11-21-73

FOR COMPANY:

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

By



Date

11-21-73