

REVIEW COMMITTEE DECISION

Review Committee File No. 1357
Sacramento Division Grievance No. 6-73-5

Subject of the Grievance

This case involves the two and one half days' disciplinary layoff of a Gas Serviceman for his failure to perform work after instructed to do so by a supervisor.

Discussion

In reviewing the evidence before the Review Committee, there appear to be two areas in dispute. First, whether the grievant was insubordinate; and second, was the punishment reasonable in view of the circumstances. As to the refusal to do the work, the record is clear that the supervisor requested the grievant to work the tag, and for whatever reason, the grievant refused. Granted the supervisor did not forewarn the grievant of what might happen if he refused to do the work, but this in itself does not alter the fact that the grievant was insubordinate, and there is just cause for disciplinary action.

Turning to the reasonableness of the penalty, the local manager's testimony becomes extremely important. The Joint Statement of Facts indicates that it was his decision to discipline the grievant based not only on the office supervisor's side of the story, but all of the employees who witnessed the incident and concluded that the grievant was in the wrong. Coupled together with the fact that the grievant on two different occasions dating back three years has received disciplinary letters of reprimand, and on one occasion a two day disciplinary layoff, for poor work performance, the manager decided that it was mandatory that some disciplinary action be taken.

In this type of case where there is a clear cut case of wrongdoing on the part of the grievant, the Review Committee's sole responsibility is to determine whether the punishment levied by supervision was reasonable. In view of the grievant's actions and past disciplinary record, the Review Committee cannot substitute its judgment for supervisors where, as here, the punishment is reasonably related to the wrongdoing.

Decision

For the foregoing reasons, it is the Committee's decision that the two and one-half days' disciplinary layoff will stand. This case is considered closed.

FOR UNION:

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

By *L. N. Foss*

Date *Aug 21, 1974*

FOR COMPANY:

J. A. Fairchild
P. Matthew
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By *L. V. Brown*

Date *Aug 21, 1974*