

REVIEW COMMITTEE DECISION

Review Committee File No. 1376-75-5
Shasta Division Grievance No. 13-74-7

Statement of the Case

This grievance concerns a five-day disciplinary layoff incurred by a Communication Technician. Briefly, the disciplinary layoff followed a confrontation between him and his supervisor in which the supervisor alleged (and the grievant admits) that the grievant made an unauthorized stop during the course of his overtime work day.

The salient facts are few and for the most part not in dispute. The grievant was relieving an absent Communication Technician to perform routine maintenance work on a Saturday. As such, the grievant was working that day at the overtime rate of pay. The grievant, as stated before, admits to stopping at the private residence for "three or four minutes" to pick up a volt meter that he had previously loaned to another employee and which he needed on his current job assignment. Both the purpose and time were corroborated by another employee who was there, legitimately, at the time. Just prior to this, the grievant checked in with the operator by phone, a fact which is consistent with the operator's recollection. The record further establishes that the residence is located some three to four minutes from the service center and that the grievant's supervisor found the grievant's truck motor running. There is a slight discrepancy in the record in that the Communication Technician states he was at the residence for a matter of "three or four minutes" while the supervisor is of the recollection that the grievant was there, before the confrontation occurred, for about 12 minutes.

Discussion

The record submitted to the Review Committee indicates that the Department policy prohibiting "unauthorized stops" during the course of the work day has been discussed with the grievant and other Communication Technicians at some time previous to the incident here. Further, it is readily apparent that he could have easily avoided the situation by simply informing the operator of the necessity for making the anticipated stop. From this, the Review Committee is of the opinion that the employee at the very least used poor judgment and consciously deviated from a policy known to him. Therefore, some form of discipline is warranted. However, in the main, this case does not seem to be one that calls for the loss of five days' pay.

Decision

For the foregoing reasons, it is the decision of the Review Committee that sending the employee home for the remainder of the scheduled overtime day without pay was an appropriate action as would be a letter to him now to the effect that further rule infractions will call for a more severe disciplinary measure. Other than this, the wages lost as a result of the remaining disciplinary layoff will be restored to the employee.

FOR UNION:

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

By

Lawrence H. Foss

Date

5-22-75

FOR COMPANY:

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

By

L. V. Brown

Date

May 22, 1975