

## REVIEW COMMITTEE

**PG and E**

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### REVIEW COMMITTEE DECISION

- DECISION  
 LETTER DECISION  
 PRE-REVIEW REFERRAL

Review Committee File No. 1479-80-5  
General Construction Grievance No. 3-629-79-118

#### Statement of the Case

This case concerns the discharge of a Hydro-Substation Mechanic for being off work without pay and without permission for 10 consecutive workdays. The grievant was employed on July 29, 1971 and terminated on August 23, 1979 to be effective August 6, 1979.

#### Discussion

Viewed in the normal context of the Labor Agreement, this Committee is of the opinion that the grievant's unauthorized absences from work would normally support a termination. Furthermore, the record submitted to the Review Committee does not directly connect his industrial leaves of absences with his unauthorized absences from work following his return to work on July 2, 1979. Generally, it is incumbent on the employee to justify time away from work without pay as "urgent and substantial".

While leave of absence forms were furnished to the grievant's wife, at her request, the record does not show that they were transmitted to the employee during the period of the unaccounted for absences; particularly when the grievant had voluntarily entered the Veteran's Administration Hospital in Reno, Nevada.

The grievant reported back to work on August 6. He gave his supervisors a paper substantiating that he had been hospitalized. The supervisors informed him that he could not return to work without a medical release.

Although supervisors are not expected to make a medical diagnosis, the Foreman's observations in this case are significant:

"After the grievant left, Tom and I discussed the situation. I told Tom I thought the grievant was mentally unstable and I feel it would be a safety hazard to him or/and the crew members on the job. Tom agreed that he should not be allowed to return to work until the problem is corrected."

The significance of their conclusion is pertinent to the employee's absences following August 6, 1979. The obvious conclusion to be drawn from it is that supervision (or the Company) would not have permitted the grievant to return to work, without a medical release, had he requested to do so.

Decision

In view of the foregoing, it is the decision of the Review Committee that the grievant should have been placed on a medical leave of absence without pay following the conference of August 6, 1979 pending a competent decision as to his ability to return to work.

FOR COMPANY:

F. C. Buchholz  
J. B. Stoutamore  
D. J. Bergman

By 

Date 6-11-80

LVBrown(1165):ml

cc: GSBates  
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WMStubblefield  
FCBuchholz  
JBStoutamore

FOR UNION:

G. W. Abrahamson  
W. H. Burr  
M. A. Mederos

By 

Date 6-11-80