

# REVIEW COMMITTEE

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- DECISION  
 LETTER DECISION  
 PRE-REVIEW REFERRAL

General Construction Grievance No. 3-392-78-43  
P-RC 376  
Discharge, Arc Welder

January 26, 1979

MR. W. FUNABIKI, Chairman  
General Construction  
Joint Grievance Committee

## Statement of the Case

This grievance concerns the discharge of L. T. Montgomery, an Arc Welder, on April 6, 1978. The grievant was terminated because he did not call in prior to the beginning of a workday on April 4 to inform his supervisor that he would not be at work. The discharge was based on that incident and the employee's previous record of employment, which notes several instances of reprimand for failure to call in when he intended to be absent from work.

The grievance seeks the reinstatement of the employee with retroactive wage adjustment back to the date of discharge. The grievance was denied by the Company as the grievant was discharged for excessive absenteeism.

The record submitted to the Review Committee evidences an employee with an unsavory attendance record. He has been disciplined, via letters and days off, for unauthorized absences in the past. In the main, these incidents apparently were based on alleged health problems.

The case at hand does not involve that type of a problem. Following the breakdown of his personal automobile, his supervisor granted him time off to either repair or replace the vehicle. How much time was granted or inferred for this purpose is the critical question in this case. The supervisor admitted that he did not place a timeframe in which the employee could be off the job. The chronology of events, drawn from the record, follows:

The grievant did not call in before 8:00 a.m. on April 4 after having left work early the previous day with the foreman's permission. About 10:40 a.m. that morning, the grievant called the clerk at the headquarters to inquire about a PSEA credit union loan. The grievant's supervisor intercepted the call and discussed the grievant's failure to call in that morning as soon as practicable. Further, he inquired of the grievant when he expected to return to work. Apparently, the grievant talked to Hemstock on more than one occasion on April 4, during which, at one time or the other, the grievant stated that he would report back on April 5. The record before the Pre-Review Committee fails to indicate that Hemstock pressed the question as to why he had not requested authorization to be off on April 4.

Discussion

The Pre-Review Committee believes that rules such as established by General Construction requiring employees to inform their supervisor as soon as is practicable on the workday that they will not be at work are reasonably related to the efficient operation of the yard. The decision here then is not intended in any way to detract from that rule in a different factual situation.

The record leaves considerable doubt that any firm arrangement for the grievant's absence had been finalized by the supervisor and the grievant on either April 3 or 4. The conversation between the supervisor and the grievant on April 4 indicates that the supervisor was not challenging the grievant's absence on April 4 but expressed concern as to when he might expect the grievant to return.

On the other hand, the grievant's reasons for being off the job were of a personal nature and not as compelling as they might have been in other instances, i.e., when absent for illness. Taking this together with the grievant's prior record of being off work without permission compels this Committee to deny the grievant full retroactive wages during the period following his discharge.

Decision

In the light of the foregoing discussion, it is the order of the Pre-Review Committee that the grievant be offered reinstatement with back wages, less any income received, from June 6, 1978.



L. V. BROWN  
For the Company



L. N. FOSS  
For the Union

LVB:amc

cc: RSBain  
JACates