

REVIEW COMMITTEE

PG and E

PACIFIC GAS AND ELECTRIC COMPANY
245 MARKET STREET, ROOM 444
SAN FRANCISCO, CALIFORNIA 94106
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D.J. BERGMAN, CHAIRMAN

- DECISION
 LETTER DECISION
 PRE-REVIEW REFERRAL

RECEIVED APR 6 1979
Coast Valleys Division Grievance No. 18-288-78-188
Fact Finding Committee No. 1061-79-2
P-RC 436
Discharge of Apprentice Lineman

IBEW



INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W.
P.O. BOX 4790
WALNUT CREEK, CALIFORNIA 94596
(415) 933-6060
L.N. FOSS, SECRETARY

March 30, 1979

MR. L. J. CAMPBELL, Company Member
Coast Valleys Division
Local Investigating Committee

MR. R. SHEPHERD, Union Member
Coast Valleys Division
Local Investigating Committee

The above-subject grievance has been discussed by the Pre-Review Committee prior to its docketing on the agenda of the Review Committee and is being returned, pursuant to Section I B(2) of the Review Committee procedure, to the Local Investigating Committee for settlement in accordance with the following:

This case involves the suspension and subsequent discharge of an Apprentice Lineman in Coast Valleys Division for refusal to respond to an emergency overtime call-out. The Committee notes that in this employee's headquarters none of the Electric Department employees have signed the master list as provided in Subsection 212.2(a) of the Agreement and, therefore, do not sign nor are they eligible to sign a weekly call-out list.

In this case, the on-call supervisor had to call nine employees in order to get three to respond for emergency which occurred on a Sunday. The supervisor was unable to contact four of the employees; one of the employees was sick; three responded; and the grievant, who was the seventh individual called, refused to work. When the supervisor asked the grievant why he could not report for work, the grievant gave the excuse that he had an appointment and just could not come. He further elaborated that he was going to a barbeque, which he had planned for over a week and that he could not work. The supervisor then told the employee that because of his refusal he was subjecting himself to disciplinary action to which the grievant responded that the supervisor could take it anyway he wanted, but that he was not coming to work.

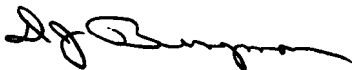
The Committee notes that the grievant has had a history of misconduct and disciplinary action, specifically, ten days off without pay in mid-1978 for irresponsible conduct (Grievance No. 18-234-78-84 (Fact Finding Committee No. 954-78-247)). The grievant's refusal to respond for emergency overtime in this instance is a further example of the grievant's

March 30, 1979

disregard for the responsibility inherent in his employment relationship. The Committee notes that Subsection 212.1(a) of the Physical Agreement provides that when there are insufficient volunteers available for emergency duty, the Company will continue to require employees to report for work on an emergency basis. As there were no volunteers at the time of the Company call-out in this case, the Company had a contractual right to require the grievant to report for work absent an acceptable excuse on behalf of the grievant. His refusal to provide such an excuse and his refusal to report for work clearly constitute insubordination.

Standing alone, the grievant's refusal to respond for emergency overtime would have warranted some disciplinary action short of discharge. In this case, however, with the grievant's history of misconduct, the Committee concludes that the discharge of the grievant was for just and sufficient cause.

This case is considered closed on the basis of the foregoing, and the closure should be so noted by the Local Investigating Committee.



D. J. BERGMAN, Chairman
Review Committee



L. N. FOSS, Secretary
Review Committee

PEPettigrew(1123):rto

cc: FCMarks
IWBonbright
LVBrown
FCBuchholz
JBStoutamore
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RHCunningham
Personnel Managers