

7.1 P
102.2 P
106.5 P

REVIEW COMMITTEE

PG and E

PACIFIC GAS AND ELECTRIC COMPANY
245 MARKET STREET, ROOM 444
SAN FRANCISCO, CALIFORNIA 94106
(415) 781-4211, EXTENSION 1125

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
R.W. STALCUP, SECRETARY

D.J. BERGMAN, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

East Bay Division Grievance No. 1-1324-81-131
P-RC 715

February 18, 1982

MR. P. N. LONG, Company Member
East Bay Division
Local Investigating Committee

MR. V. STAMPS, Union Member
East Bay 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 Step Five A(ii) of the grievance procedure to the Local Investigating Committee for settlement in accordance with the following:

This case involves the discharge of a probationary employee, a Helper in the Gas Department in East Bay in May of 1981 because he was allegedly not suited to his classification of Gas Helper. The position taken by the Company at the local level was that the grievant's discharge was not a proper subject for the grievance procedure and respectfully declined to process the grievance further. Arbitration Case No. 15 provided the guidelines which the parties have adhered to for years in determining the merits of the grievability of a probationary employee's termination. In those cases where the parties agree that the employee is being terminated for being unsuitable for continued employment, the Company and Union have typically agreed that such action is not a proper subject for the grievance procedure. In those cases where it appears that the employee is being terminated for violation of a Company rule, practice or policy, then the parties agree, in accordance with Arbitration Case No. 15, that the grievance procedure may be used by the employee.

In this case, the grievant, in his brief period of employment, demonstrated a record of excessive tardiness and sick leave which, under normal circumstances, would be just cause for his termination for failure to meet his employment obligations. This would be consistent with the reasons cited in Arbitration Case No. 15 which would normally be applied in selecting and determining whether or not a probationary employee would be allowed to become regular. The letter of termination dated May 7, 1981, however, is phrased such that it created the impression in the grievant's mind that he had been disciplined earlier for certain incidents of absence and that, as a result of this latest tardiness, he was again being disciplined in terms of his termination.

February 18, 1982

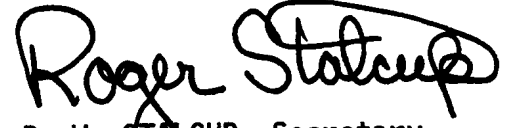
This certainly creates the impression that the employee was being terminated for violating a specific Company policy. As a result, the grievant, in this case, does have recourse to the grievance procedure.

In view of all of the evidence in this case, however, the Pre-Review Committee determines that the grievant was discharged for just and sufficient cause and closes this case without prejudice to the position of either party.

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



R. W. STALCUP, Secretary
Review Committee

PEPettigrew(1123):ml/RWS:rlm

cc: FCMarks
LCBeanland
IWBonbright
FCBuchholz
RHCunningham
NRFarley
TDMacWilliams
DAOkabayashi
TCPhebus
WKSnyder
JBStoutamore
CPTaylor
CEWelte
Division Personnel Managers