

REVIEW COMMITTEE**PG and E**

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

D.J. BERGMAN, CHAIRMAN

- DECISION
 LETTER DECISION
 PRE-REVIEW REFERRAL

CASE CLOSED AUG 27 1982
LOGGED AND FILED

RECEIVED AUG 26 1982

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

East Bay Division Grievance No. 1-1418-81-225
P-RC 737
Equipment Operator Not Paid for Sick Day

August 25, 1982

MR. R. A. CLARK, 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:

Subject of the Grievance

This case concerns the denial of three days of sick leave pay for an Equipment Operator in Richmond.

Facts of the Case

During June, 1980, the grievant was put on notice that he must provide satisfactory proof of illness following each absence. This notification was the subject of East Bay Division Grievance Nos. 1-1039-80-132 and 1-1049-80-143. Both cases were settled by the Local Investigating Committee with the provision that the grievants' attendance records would be reviewed at the end of the year to determine if there had been sufficient improvement to justify removing the requirement to provide proof of illness for each absence. While the record currently before this Committee does not recount the details of the end of the year review, the Local Investigating Committee Report states that grievant was still being required to provide proof of illness on the dates that are the subject of this case.

On Monday, August 17, 1981, the grievant took a single day of vacation. On Tuesday, August 18, 1981; Wednesday, August 19, 1981; and Thursday, August 20, 1981, he called in sick. On Friday, August 21, 1981, he did not report for work nor did he call in. At approximately 11:30 a.m. on Friday, he arrived at the service center to pick up his check.

August 25, 1982

On the following Monday, August 24, 1981, a meeting was held with the grievant. When first asked about proof of illness for his absence, he gave the supervisor a Kaiser Treatment Verification and Diagnosis form, dated August 21, 1981, signed by a nurse which indicated, "Patient states he has been ill and unable to work from August 18 to August 21, 1981." The supervisor told the grievant that the form was unacceptable. The grievant then gave the supervisor a second Verification of Treatment and Diagnosis form, dated August 18, 1981, signed by a doctor indicating he had seen the grievant on August 18, 1981; and the grievant could return to work on August 19, 1981. The supervisor agreed to pay sick leave for August 18, 1981 but not the rest of the week (August 19 to August 21, inclusive). The supervisor told the grievant he wanted a better medical explanation for his absences and gave him until August 29, 1981 to provide it.

Grievant provided a third Kaiser Treatment Verification and Diagnosis form, dated August 26, 1981, signed by the same doctor who previously signed the form dated August 18, 1981. This latter form indicated the grievant had received treatment in the office on August 18, 1981 (as did the earlier form) and went on to state grievant had been ill and unable to work from August 18, 1981 thru August 23, 1981 but could resume work on August 24, 1981 (unlike the earlier form, which stated the grievant was ill and unable to work on August 18, 1981 but could resume work on August 19, 1981). Further, the latter form gave no indication as to why the period of illness was extended. Again, the supervisor told the grievant that he would not accept the form dated August 26, 1981 as satisfactory evidence of illness and refused the payment of sick leave for the period of August 19, 1981 thru August 21, 1981. On September 4, 1981, grievant was given a letter of reprimand for his unauthorized absence and for his failure to call his headquarters on the last day of the absence.

Decision

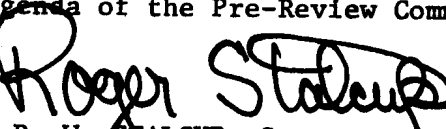
Because of the conflicting documents supplied by the same doctor (Treatment and Diagnosis forms, dated August 18, 1981 and August 26, 1981), the grievant is to be allowed one final opportunity to provide satisfactory proof of illness for his absences on August 19, 1981 - August 21, 1981, inclusive. Such proof must be provided within a reasonable period.

The grievant should be advised that the parties are in agreement that there are some instances when more stringent types of proof of illness may be required of an employee even though documents such as he provided in the instant case have been accepted in the past. The circumstances surrounding his absence from August 19, 1981 - August 21, 1981, is such an occasion.

The Local Investigating Committee will review whatever evidence the grievant provides to determine if it is satisfactory. If it is, he will be paid such leave for the dates in question and the letter of reprimand will be modified. If it is not, the grievance will be closed without adjustment.

This case is withdrawn from the agenda of the Pre-Review Committee.


D. J. BERGMAN, Chairman
Review Committee


R. W. STALCUP, Secretary
Review Committee

MAShort(6274):ml

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