

REVIEW COMMITTEE**PG and E****IBEW** 

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

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

**CASE CLOSED
LOGGED AND FILED**

JAN 23 1983

D.J. BERGMAN, CHAIRMAN

- DECISION
 LETTER DECISION
 PRE-REVIEW REFERRAL

East Bay Division Grievance No. 1-1623-82-113
P-RC 795

January 27, 1983

MR. L. R. JOHNSON, Company Member
East Bay Division
Local Investigating Committee

MR. S. A. TAMIMI, 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 discharge of an Assistant Control Operator at Contra Costa Power Plant for recurring instances of falsification of proof of illness documents.

Facts of the Case

The grievant was employed November 18, 1976 and discharged May 20, 1982. He was counselled concerning excessive absenteeism on April 4, 1979 and June 27, 1980. On September 2, 1980, he was given a letter of reprimand as a result of his continued excessive absenteeism. The letter required that the grievant provide satisfactory proof of illness for all future absences before sick leave would be paid. The letter also warned that failure to improve his attendance record may lead to further disciplinary action up to and including discharge. The grievant's attendance between September 2, 1980 and May 20, 1982 had not improved sufficiently to justify removal of the requirement to provide satisfactory evidence of illness.

On May 2, 1982, the grievant was absent. Upon his return to work, he provided a note from a doctor. It was noted at that time that the various notes the grievant had been providing, all on the same doctor's letterhead, appeared to be in different handwriting.

The supervisor took 15 notes to the doctor who verified his signature on seven of them. Four of the seven the doctor admitted completing as a favor to the grievant's wife who was employed by the doctor even though the grievant was not seen by the doctor on those dates. These four notes excused the grievant for 72 hours of sick leave between December 31, 1980 and March 16, 1982.

January 27, 1983

The doctor denied completing eight notes between December 14, 1980 and May 2, 1982 which excused him for 80 hours of sick leave and further indicated he had not examined the grievant on those dates. The grievant later admitted that the notes were forged.

The grievant was off claiming illness for 19 full days between September 2, 1980 and May 20, 1982 and submitted falsified doctor's slips for 100 percent of that time.

Decision

The Committee is in agreement that the discharge of the grievant was for just and sufficient cause in accordance with the provisions of Subsection 112.8 of the Physical Agreement. The Union, however, is not agreeing or setting precedent with this case that two instances of falsification, misrepresentation, or abuse of sick leave will automatically result in discharge.

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



D. J. BERGMAN, Chairman
Review Committee



R. W. STALCUP, Secretary
Review Committee

MAShort(1123):ml