

**REVIEW COMMITTEE**112.8 P  
7.1 P**PG and E****IBEW** PACIFIC GAS AND ELECTRIC COMPANY  
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SAN FRANCISCO, CALIFORNIA 94106  
(415) 781-4211, EXTENSION 1125INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS, AFL-CIO  
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R.W. STALCUP, SECRETARY

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**CASE CLOSED**  
**LOGGED AND FILED** NOV 3 - 1983

D.J. BERGMAN, CHAIRMAN

San Jose Division Grievance No. 8-794-83-10  
P-RC 835

- DECISION  
 LETTER DECISION  
 PRE-REVIEW REFERRAL

October 27, 1983

MR. D. J. COYNE, Company Member  
San Jose Division  
Local Investigating CommitteeMR. B. TWOHEY, Union Member  
San Jose Division  
Local Investigating CommitteeSubject of the Grievance

This case concerns a one-day disciplinary suspension and letter of reprimand received by a Line Subforeman for refusal to report for work and disruption of the department's activities.

Facts of the Case

On December 23, 1982, the grievant, a Line Subforeman, had been working for approximately 31 continuous hours when he reported back to the Service Center with his crew at approximately 3:00 p.m. At approximately 4:00 p.m., the grievant was informed that he was to report back to the Service Center after taking an eight-hour rest period. The grievant was told by a Field Line Foreman to get some sleep and then return. At this time, the grievant stated that if they wanted him to come in, they would have to come and get him and stated that his cold was getting worse. He then told the Field Line Foreman that he would not return. The Field Line Foreman then informed the grievant several times to report at the end of the rest period. The grievant said, "Mr. Foreman, I have been informed, but I will not be in." During the time in question, there were numerous storms and it was an all-hands situation, everyone was being required to work extended hours to restore service.

At approximately 6:30 a.m. on December 24, 1982, the grievant reported to work. When he reported, he was asked by the District Electric Superintendent why he did not report to work at 11:45 p.m., on December 23, 1982, as directed. The grievant replied that he "was ill." The superintendent stated that that was not an acceptable excuse at which point the grievant again stated he was ill and that if there wasn't so much work to do he would have taken this day off sick also. The grievant stated that he wasn't as ill on the 24th as he had been on the 23rd. At the conclusion of the meeting, the grievant was suspended.

Discussion

The Union opined that the employee had not been feeling well on the 23rd and that after working 31 hours informed his supervisor that his cold was getting worse and would need to be off on sick leave. The other two crew members testified that the grievant had complained of a head cold and sinus problems all day so the

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apprentice Lineman offered to do all of the climbing which could be performed by one person, and the Groundman offered to drive the vehicle. The Union went on to point out that the employee was not an abuser or excessive user of sick leave and that to discipline a hard working employee because he wasn't feeling well was inappropriate. Union further stated that the employee did report to work prior to the start of his normal work shift on December 24th.

Company pointed out that this employee was not the only individual working long, sustained hours and that other employees worked the same or even longer hours than the grievant. The grievant was ordered to report to work but refused. The Company pointed out that the Field Line Foreman acknowledged to the employee at the time the assignment was made that he understood his being ill; however, they really needed him to perform work and that is why they were requiring him to return.

The Pre-Review Committee reviewed the grievant's sick leave usage and agreed that it was neither excessive nor were there any patterns suggesting abuse. The Committee then discussed the purpose of sick leave.

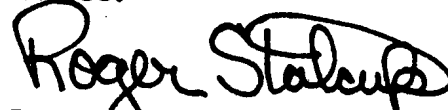
#### Decision

The Committee agreed that the grievant properly notified his supervisor that he was sick on December 23, 1982. Since the employee does not have any history of sick leave abuse or excessive use, it was concluded that there was no reason to deny the employee the time off to recover. It was agreed that ordering the employee to return to work under the above circumstances was inappropriate.

The letter will be rescinded, and the one-day disciplinary suspension given the grievant will, therefore, be restored. In addition, the grievant will be entitled to an in lieu day off for December 25, 1982, and an equity settlement of four hours at one and a half and 24 hours at double time for overtime missed as a result of his suspension.

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

  
D. J. BERGMAN, Chairman  
Review Committee

  
R. W. STALCUP, Secretary  
Review Committee

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