

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**CASE CLOSED** APR 9 1984
LOGGED AND FILEDINTERNATIONAL 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

Coast Valleys Division Grievance No. 18-759-83-12
P-RC 867

April 2, 1984

MR. L. J. CAMPBELL, Company Member
Coast Valleys Division
Local InvestigatingMR. D. H. REESE, 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 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 grievance concerns the denying of paid sick leave for the grievant on the afternoon of December 23, 1982.

Facts of the Case

The grievant, along with two other employees of a maintenance crew at Morro Bay Power Plant, work a 10 days on and 4 days off work schedule. The Company was unilaterally planning to allow employees working on the December 24 (Christmas Eve) the afternoon off with pay. This grievant, as well as the other two employees on his crew, had requested of the Maintenance Foreman to have the afternoon off of the 23rd since that was the tenth day of their work schedule. The employees indicated that they would be off the next four days as regular days off and would, therefore, not receive the afternoon of the 24th off with pay like other employees working December 24. The Maintenance Foreman had informed the employees earlier in the week that they would not get off the afternoon of December 23 with pay.

On the morning of the 23rd, the grievant made the comment to the Maintenance Foreman "adios at noon." The Maintenance Foreman did not take this comment seriously until the grievant and the two other employees on the maintenance crew came to him at noon to say that they were sick and would be off that afternoon. The Maintenance Foreman stated that the grievant did not appear to be sick.

On December 28, 1983, the Supervisor of Maintenance, after having heard that all three employees had reported sick on the afternoon of the 23rd, spoke with the grievant and told him that a note from a doctor would be

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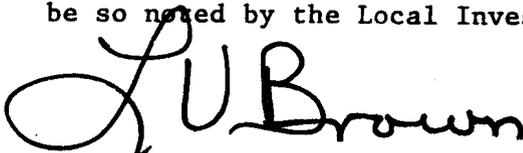
required before sick leave would be granted. The grievant did not supply a doctor's note or any other satisfactory evidence of illness concerning his absence and was, therefore, written a disciplinary letter dated January 20, 1983. In the letter, the employee was accused of falsifying his sickness and misrepresenting the absence as sick leave for that afternoon. The employee was informed that the four hours on the afternoon of the 23rd were to be shown as personal business without permission, without pay.

The Pre-Review Committee reviewed and discussed Review Committee Decision Nos. 1205 and 1256 and their relation to requiring an employee to provide satisfactory evidence of illness. The Company opined that even for an isolated incident, the requirement to provide satisfactory evidence is available to the Company. The Union argued that if the Company wanted the employee to provide satisfactory evidence of illness that they should have requested it of the employees when they went home sick on December 23, 1982 and not when they returned four days later. Company did agree that it would have been more appropriate to have notified the employees to provide satisfactory evidence of illness at the time they left work at noon on the 23rd. The Committee does agree that the Company has the right to require satisfactory evidence of illness for isolated incidents where the facts surrounding the absence warrant reasonable suspicion that the employee may not be using sick leave for its intended use.

Decision

The Company offered to settle this grievance on the same basis as the resolved grievances filed on behalf of the other two employees involved in this incident. The four hours the grievant was off on the afternoon of the 23rd would be charged to personal business without pay, with permission. The Union accepted that offer. The Committee also agreed to change the disciplinary letter to a counselling letter.

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



L. V. BROWN, Chairman
Review Committee



R. W. STALCUP, Secretary
Review Committee

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