

REVIEW COMMITTEE**PG and E**

PACIFIC GAS AND ELECTRIC COMPANY
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D.J. BERGMAN, CHAIRMAN

- DECISION
 LETTER DECISION
 PRE-REVIEW REFERRAL

IBEW

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W.
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R.W. STALCUP, SECRETARY

NOV 13 1986
**CASE CLOSED
LOGGED AND FILED**

RECEIVED NOV 12 1986

General Construction Grievance No. 3-1480-85-114
P-RC 1131

September 18, 1986

RICHARD S. BAIN, Chairman
General Construction
Local Investigating Committee

BARRY J. HUMPHREY, Chairman
General Construction
Local Investigating Committee

Grievance Issue

Letter of reprimand and denial of sick leave.

Facts of the Case

The grievant was a Routine Field Clerk at the Davis Service Center.

In the early morning of Saturday, October 19, 1985, the grievant was involved in a one car accident and sustained some first degree burns on his right hand and left leg. The grievant was treated and released at Methodist Hospital in Sacramento.

On Sunday, October 20, 1985, the grievant attempted to call his supervisor in order to inform him that he would not be in to work on Monday. The grievant was unable to reach his supervisor and finally reached another Field Clerk. The grievant asked the Field Clerk to inform his supervisor that he would not be in because of the injury and the shots that he had received had made his arm very sore. The Field Clerk stated that the grievant had told him that he had a doctor's appointment on Monday, October 21.

On Monday, October 21, 1985, the grievant's wife called in and informed the General Foreman that the grievant would not be in that day. The wife also talked to a Senior Field Clerk and told him that the grievant had a doctor's appointment that day. The clerk told the wife that the grievant was required to personally call in.

On Tuesday, October 22, 1985, the wife called in again to the Senior Field Clerk stating that the grievant was again unable to return to work that day. The Senior Field Clerk was informed by the grievant's wife that the grievant had another doctor's appointment that day.

On Wednesday, October 23, 1985, the grievant was not in contact

with the Company.

On Thursday, October 24, 1985, the grievant called in and stated that he was doing better but would not be in Thursday or Friday. The grievant was asked to directly call the Field Office Supervisor. The grievant was unable to call the Field Office Supervisor because he wrote the number down incorrectly and then decided he did not have to go that high in the chain of command by notifying the supervisor.

The grievant did not call in on Friday, October 25, 1985, and the Field Office Supervisor decided to go to the grievant's apartment complex to check on his well-being. The Field Office Supervisor found the grievant walking around in the complex. The Field Office Supervisor asked the grievant how he was doing. The grievant would not answer questions concerning details of the accident; and from the supervisor's observation, the grievant appeared in good health. The Field Office Supervisor even shook the grievant's right hand upon leaving and did not notice any burn or expression of discomfort on the grievant's face. The Field Office Supervisor was unconvinced regarding the disabling nature of the grievant's injuries. On Monday, October 28, the grievant returned to work and was sent to a Company physician. The Field Office Supervisor visited the Methodist Hospital where the grievant was treated the week before. The Field Office Supervisor was informed that the grievant was treated for first degree burn, given cream and sent home and that no lost time should result. The Field Office Supervisor also talked to the nurse of the doctor who treated the grievant at the emergency room. The nurse stated that the doctor had not filled out the disability section of the "Aftercare" form since the doctor expected no disability from the burned hand.

Based on the Field Office Supervisor's investigation, the grievant was denied sick leave for that week and was issued a disciplinary letter for failing to follow instructions concerning calling in when off work.

Discussion

In discussing this case, the Committee noted that during the week in question that the grievant was off, the Company had been informed by the grievant and his spouse that he had doctor's appointment scheduled on the first three days. The grievant was unable to provide any evidence to support that he had a doctor's appointment on any of those days. The Committee also noted that the grievant had been counselled on September 20 and 27, 1985 for failure to call in. Furthermore, the Committee agreed that the investigation by the Field Office Supervisor did support for the most part the Company's position that the grievant was not unable to perform the duties of his job and that the decision to deny sick pay is appropriate. However, the record is not absolutely clear that no disability or time off work was needed.

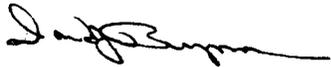
Decision

Based on the facts presented on this case, the Committee agreed that the letter of discipline was for just and sufficient cause but that the possibility remained that the grievant may have been unable to report for work due to soreness because of the shots received and the burn and leg

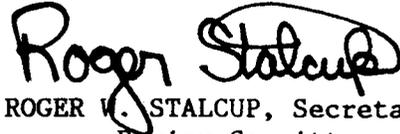
bruise.

Based on the foregoing, the Committee agrees to reinstate one day as sick pay, Monday, October 21, 1986 and sustain the disciplinary letter.

This case is closed on this basis and should be so noted in the minutes of the Joint Grievance Committee meeting.



DAVID J. BERGMAN, Chairman
Review Committee



ROGER W. STALCUP, Secretary
Review Committee

MAS:mc

cc: Jess R. Herrera
I. Wayland Bonbright
Lawrence V. Brown
Norman L. Bryan
Floyd C. Buchholz
Reg. & G.O. Pers. Mgrs. & Dirs.