

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

PACIFIC GAS AND ELECTRIC COMPANY  
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INTERNATIONAL BROTHERHOOD OF  
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R.W. STALCUP, SECRETARY

D.J. BERGMAN, CHAIRMAN

**CASE CLOSED**  
**LOGGED AND FILED**

**RECEIVED MAR 24 1987**

- ☐ DECISION  
☐ LETTER DECISION  
☐ PRE-REVIEW REFERRAL

General Construction Grievance No. 3-1594-86-102  
P-RC 1175

March 23, 1987

RICHARD S. BAIN, Chairman  
General Construction  
Joint Grievance Committee

BARRY J. HUMPHREY, Chairman  
General Construction  
Joint Grievance Committee

Subject of Grievance

Discharge of Lineman for unavailability.

Facts of the Case

The grievant was initially hired as a Groundman on February 5, 1979 and was laid off September 11, 1981. The grievant was rehired as a helper on May 23, 1983 and progressed to Apprentice Lineman and Lineman and was discharged on September 12, 1986 for unavailability.

The grievant's unavailability was initially documented in a reprimand letter to him dated May 14, 1984. Another letter for unavailability was issued on September 25, 1984 documenting all of the time the grievant had been off in 1984, which totaled 270 hours on 35 separate occasions. The record does not indicate availability problems or disciplinary action in 1985. In 1986, the grievant received a disciplinary letter on July 14 which detailed the following:

<u>Days</u>	<u>Reason</u>
20	Off Sick
2.5	Off Personal, without Pay or Permission
7	Vacation/Holiday
3	Jury Duty

The condition precedent warned the grievant "On several occasions you have received verbal warnings and reprimands from your Foreman. This situation must be corrected immediately or more severe disciplinary action up to and including discharge will be taken."

On August 27, 1986, the grievant received another written reprimand documenting his unavailability subsequent to the previous disciplinary action. It showed:

March 23, 1987

<u>Days</u>	<u>Reason</u>
4	Off Sick
1.25	Off Personal without Permission or Pay
2	Off Personal with Permission

The grievant was offered the Employee Assistance Program in each of his disciplinary letters. Also on August 6, 1985, the grievant was given a day off with pay to think over his desire to continue working for the Company. The condition precedent stated that "If this situation is not corrected immediately, more severe disciplinary action will be taken up to and including discharge."

The grievant was absent again on September 5, 1986. The supervisor orally informed the grievant on September 5 that this was his last opportunity. The supervisor confirmed that conversation with the grievant in a September 9 letter which stated, "This is your last chance, if you miss any more time without proper arrangements or verifications, you will be discharged."

On September 11, the grievant was again off work without permission. The grievant was discharged that day and was so notified. A letter confirming the grievant's discharge was prepared and sent to grievant on September 19, 1986.

#### Discussion

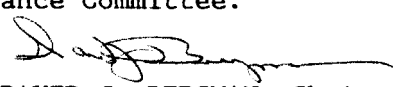
The Committee discussed the grievant's unavailability and agreed that it was unsatisfactory. Another issue discussed in this case was the Company's application of Section 301.18. The grievant had been told that he would not be considered for transfer closer to his residence unless his availability improved. It should be noted the grievant lived in Auburn and was assigned to work in the East Bay area. The grievant had been rehired to work in the East Bay area. In addition, the Union member took exception to a Company representative's statement at the Joint Grievance Committee that Section 301.18 regarding General Construction work assignments did not apply to his area.

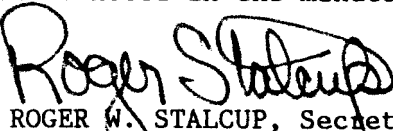
The Company opined that it has in the past attempted to assign employees closer to their residence area given work opportunities. The Company agrees that Section 301.18 applies to all General Construction Departments and Sections. The Company noted that the majority of the grievant's unavailability was unrelated to the distance of his commute.

#### Decision

Based on the counselling and discipline received by the grievant which did not result in the grievant maintaining an acceptable attendance record, the Committee agrees the discharge was appropriate, and this case should be closed without adjustment.

This case is closed, and such closure should be noted in the minutes of the Joint Grievance Committee.

  
DAVID J. BERGMAN, Chairman  
Review Committee

  
ROGER W. STALCUP, Secretary  
Review Committee

RLBolf(222-5665):mc