

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

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

- DECISION  
 LETTER DECISION  
 PRE-REVIEW REFERRAL

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

MAY 26 1987

RECEIVED MAY 26 1987

North Bay Division Grievance No. 4-1353-86-36  
P-RC 1198

May 22, 1987

**IBEW**

INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS, AFL-CIO  
LOCAL UNION 1245, I.B.E.W.  
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WALNUT CREEK, CALIFORNIA 94596  
(415) 933-6060  
R.W. STALCUP, SECRETARY

FRED H. GREENSTEIN, Company Member  
North Bay Division  
Local Investigating Committee

PERRY ZIMMERMAN, Union Member  
North 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 5A(ii) of the grievance procedure, to the Local Investigating Committee for settlement in accordance with the following:

Subject of the Grievance

This case concerns a Decision Making Leave received by an Apprentice Lineman for attendance.

Facts of the Case

The grievant had an active Oral Reminder in the attendance category. During the period between September 15, 1986 and October 16, 1986, the grievant was no-call, no-show on 14 days, tardy once, and called in sick five days. In addition, the grievant claimed to have been in an accident resulting in a three-day hospital stay. In fact, the grievant had been treated and released the same evening by the hospital.

Discussion

The argument in this case was primarily procedural. Union opined that under the Positive Discipline procedure, once an employee has active discipline in a category, Company must follow the successive steps in that category for subsequent violations. For example, if an employee is at the Oral Reminder step in attendance, Company may not skip a step and place him on a Decision Making Leave. Instead, if discipline is warranted, the employee must be given a Written Reminder. The second area in dispute was the appropriate category for no-call, no-show violations. Union argued that it should be conduct since an employee has control over the behavior. Company opined that it is attendance related.

In discussion of the case, the Committee reviewed the Positive Discipline letter agreement and noted the following language:

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"It is further understood and agreed that Union's agreement to this proposed trial period does not constitute a waiver by Union of its right to challenge a disciplinary action on the grounds that such action was without 'just cause,' the degree of discipline was too severe, or there was disparity of treatment, pursuant to the provisions of the appropriate grievance procedure." (emphasis added)

In addition, the Positive Discipline administrative guidelines contain the following:

"Rule infractions are generally divided into three categories. These are (1) work performance; (2) conduct, and (3) attendance. The maximum number of oral reminders that may be active at one time is three (3), and these must be in different categories. Should another performance problem occur in a category where there is already an active oral reminder, the discipline step must escalate to a higher level of seriousness; usually a written reminder. The maximum number of written reminders that may be active at one time is two (2), and these must be in different categories. Should another performance problem occur in a category where there is already an active written reminder, the discipline step must escalate to a DML."

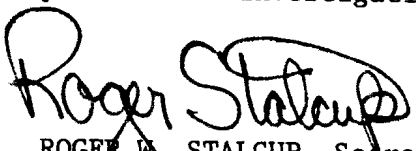
The Committee agreed that the above language vests in Company the right to place an employee at any Positive Discipline step for an offense regardless of whether the employee is already at a step as a result of previous discipline. Union may grieve both just cause for the discipline, and whether the appropriate step was applied.

On the issue of the appropriate category for the no-call, no-show offense, the Committee noted that the Positive Discipline administrative guidelines contain examples of rule violations for each category. Those listed under attendance are: absenteeism, tardiness, sick leave abuse, unavailability, extended lunches/work periods. The Committee agreed that no-call, no-show logically would be included with the listed examples; therefore, attendance is the appropriate category.

#### Decision

The Decision Making Leave received by the grievant was for just cause, and Company did not inappropriately "skip a step." This case is closed without adjustment, and such closure should be so noted by the Local Investigating Committee.

  
DAVID J. BERGMAN, Chairman  
Review Committee

  
ROGER W. STALCUP, Secretary  
Review Committee

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