



REVIEW COMMITTEE

7.1 - Just cause for
discipline -
Attendance.

IBEW



PACIFIC GAS AND ELECTRIC COMPANY
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**CASE CLOSED
LOGGED AND FILED**

RECEIVED JAN 23 1990

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

D.J. BERGMAN, CHAIRMAN

- ☐ DECISION
- ☐ LETTER DECISION
- ☐ PRE-REVIEW REFERRAL

Distribution Grievance No. 46-78-88-16
P-RC 1375

January 18, 1990

M. STORME SMITHERS, Company Member
Distribution - HR
Local Investigating Committee

GWEN WYNN, Union Member
Distribution - HR
Local Investigating Committee

Subject of the Grievance

This case concerns a Written Reminder received in the Attendance category.

Facts of the Case

The grievant, a Clerk D, was at the Oral Reminder step effective April 1, 1988 in the Attendance category. Following the Oral Reminder, the grievant was sick on April 13 and 21, May 23, 25, 26 (six hours), and 27, 1988. On May 20, 1988, she was 1/4 hour short on her time clock. On July 8 and 11, 1988, she was off with permission, without pay. The grievant was counseled on June 1, 1988 for mismanagement of flextime; June 3, 1988 for unavailability; June 28, 1988 for unavailability; and June 29, 1988 for tardiness. During the June 28, 1988 session, the grievant was informed that due to her unavailability, she should not expect any additional time off to be granted.

While at work during the night shift on July 27, 1988, the grievant was notified that her father had suffered a stroke. On July 28 and 29, 1988, the grievant called in and spoke with her acting supervisor stating that she would not be in to work due to her father's illness. Initially, the acting supervisor coded the grievant as off sick. On August, 1, 1988, the grievant called and talked to another supervisor stating that she was attempting to place her father into a convalescent home. According to the grievant, the supervisor told her she sounded exhausted and to take another day off. The supervisor confirmed that she told the grievant she sounded exhausted and then stated, "I told her she had to do what she had to do". The supervisor did not discuss with the grievant how the time would be charged because she sounded exhausted and did not believe that was the appropriate time to discuss the issue. The grievant was later coded as being off without permission, without pay on July 28, 29, August 1, and 2, 1988 due to the June 28, 1988 counseling session during which she was told

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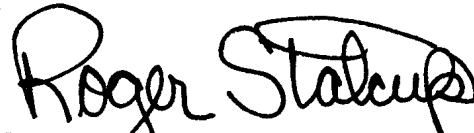
she should not expect any more time off. As a result, the grievant received the Written Reminder which is the subject of this case.

Decision

At the outset, the Committee noted that the grievant does not have a good attendance record. However, the Committee's attention was focused on the four days off that resulted in the discipline. While it is true that the grievant was informed that she should not expect time off to be granted, she was not precluded from requesting the time off, especially under the circumstances described above. Once the request is made, management can make the determination of whether the request is approved if they received enough information to make such decision. Given the grievant's prior record, the request may have been denied and it would be incumbent on the grievant to comply. She would, of course, have the right to grieve that decision. The facts of this case do not demonstrate that the grievant's requests for time off were denied. To the contrary, it was only after the fact that the time was coded as being without permission. While there were other incidents of unavailability since the grievant's Oral Reminder, the escalation of discipline was based on the four days in question. Given that the grievant was off on those days with at least tacit approval of supervision, the Committee agrees that just cause did not exist to issue the Written Reminder and it is rescinded. With this adjustment the case is closed.



DAVID J. BERGMAN, Chairman
Review Committee



ROGER W. STALCUP, Secretary
Review Committee

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