



# REVIEW COMMITTEE

7.1 -Just cause: It's inappropriate to place empl on DML at end of approved leave of absence; subsequent discharge overturned



PACIFIC GAS AND ELECTRIC COMPANY  
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(415) 973-1125

FEB 28 1992

**CASE CLOSED  
LOGGED AND FILED**

INTERNATIONAL 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

**RECEIVED FEB - 4 1992**

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

General Construction Grievance Nos. 3-2239-91-64 & 3-2261-91-86  
P-RC 1550

BYRON TOMLINSON, Company Member  
G.C. Joint Grievance Committee

BARRY HUMPHREY, Union Member  
G.C. Joint Grievance Committee  
January 29, 1992

Subject of the Grievance:

Grievant was issued a DML for attendance on June 6, 1991 and was subsequently discharged for work performance on September 4, 1991.

Facts of the Case:


The grievant was issued a DML for attendance upon his return from an approved leave of absence. He subsequently received two Coaching and Counselings for different work performance issues on July 2, 1991 and July 17, 1991. On August 27, 1991, grievant was involved in an avoidable automobile accident which he failed to report. He was discharged as a result of this final incident on September 4, 1991.

Discussion and Disposition:

The Union opined that the DML was not the appropriate level of discipline to administer upon the employee's return from an approved leave of absence. Union also noted that the grievant had also been granted vacation prior to the leave. The Committee agreed that the more appropriate action to take upon the grievant's return from leave of absence would have been Coaching and Counseling. The Committee further agreed that had the grievant been coached and counseled upon his return, he would not have been at the discharge step for his work performance issues.

The Committee agreed to reinstate the grievant at the DML step of the Positive Discipline process with back pay and benefits less any outside earning. This case is considered closed and should be so noted in the Joint Grievance Committee minutes.

  
DAVID J. BERGMAN, Chairman  
Review Committee

  
ROGER W. STALCUP, Secretary  
Review Committee