



# REVIEW COMMITTEE



## IBEW

PACIFIC GAS AND ELECTRIC COMPANY  
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(510) 974-4282

RECEIVED JUN 23 1998

INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS, AFL-CIO  
LOCAL UNION 1245, I.B.E.W.  
P.O. BOX 4790  
WALNUT CREEK, CALIFORNIA 94596  
(510) 933-6060  
R.W. STALCUP, SECRETARY

MARGARET A. SHORT, CHAIRMAN

CASE CLOSED  
FILED & LOGGED

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

San Francisco Division No. SFO-97-05  
Fact Finding No. 6597-97-128  
Pre-Review Committee No. 2139

CAROL QUINNEY  
Company Member  
Local Investigating Committee

HUNTER STERN  
Union Member  
Local Investigating Committee

### Subject of the Grievance

This case concerns the discharge of a Fleet Services Subforeman, Martin Service Center for failure to return to work or to provide medical documentation necessary to extend his leave of absence.

### Facts of the Case

The grievant was on vacation in June 1996 when he became ill and was hospitalized. Because he was out of sick leave, he continued to use vacation. When his vacation expired on June 17, he began to request a leave of absence. He was sent the leave of absence forms on June 24 to be completed by his doctor. Thereafter, there was verbal and written communication between the grievant and his supervisor about the grievant's status as unauthorized absence. Finally on July 11, the completed leave of absence form was received with an expected return to work date of August 5, 1996. Forms to extend the leave to October 1, 1996, were signed by the doctor August 15 and approved by the supervisor August 21. Again the leave was extended to December 1, 1996.

Approximately December 6, the supervisor received a doctor's note indicating the grievant needed to continue to be off until February 1, 1997. This note was not accompanied by another completed leave of absence form. A completed leave of absence form extending the time off to May 1, 1997, was received January 10, 1997. However, the grievant had already been sent a termination letter dated December 19, 1996, effective December 20, 1996. At the Local Investigating Committee meeting of July 25, 1997, a letter from the doctor dated January 28, 1997 was presented. This letter explained that the last leave of absence form was not completed until December 20 because that was the soonest the doctor's schedule would accommodate an appointment for the grievant.

Prior to the grievant taking vacation and becoming sick, an investigation was begun into his use of the P-Card. The supervisor contacted Internal Auditing in April 1996 indicating there were some questionable purchases made by the grievant, that the grievant had not reconciled his account for the previous three months, nor had he submitted receipts as for transactions made after December 18, 1995. Internal Auditing reviewed all of the transactions since October 1995 and identified many that appeared to be personal in nature. They contacted eight vendors and obtained copies of sales receipts and descriptions of the items purchased. The PRC reviewed some of these receipts and noted they were for personal items and that some of the receipts were signed by the grievant's wife.

At the LIC of July 25, 1997, the grievant was interviewed by an Internal Auditor in the presence of an IBEW Business Representative acting in the capacity of a Shop Steward about the P-Card purchases. The grievant admitted to making several inappropriate purchases totaling \$6138.86 including a trip to Tahoe, a video camera, a coat for his son, shoes and glasses for himself. The actual total is more.

Discussion

The PRC discussed this case at length. Company opined that employees have an obligation to keep their supervisors informed as to their status. In this case, the employee did not act in a timely manner to provide the necessary documentation to initiate or extend his leave of absence and that failure to do so is disruptive to planning work and staffing needs and puts the employee at risk of termination for unauthorized absence.

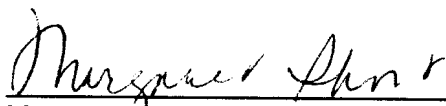
The Union opined that the employee's efforts were hampered by the unavailability of the treating physician and that the Company had in its possession a note from the doctor indicating a need to extend the leave of absence prior to the decision to terminate the grievant. Based on this note, even though it was not on the proper form, Union argued that just cause did not exist to discharge the grievant.

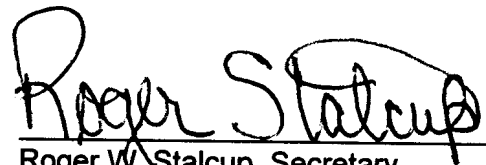
Turning to the matter of the P-Card, the parties are in agreement that had the grievant not been on leave of absence causing a delay in the conclusion of the Internal Auditing investigation, the grievant would have been discharged for this misconduct.

Decision

Notwithstanding the arguments over the timeliness of the documentation to extend the leave of absence, the Pre-Review Committee is in agreement that the misuse of the P-Card is in and of itself just cause for discharge. While the P-Card misuse was not the subject of the grievance, an investigatory interview of the grievant with a Union Business Representative acting as a Shop Steward was held. On the basis of the findings of this interview and the other facts established by the Internal Auditing investigation, the discharge is sustained.

This case is closed without adjustment.

  
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Margaret A Short, Chairman  
Review Committee  
6/23/98  
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Date

  
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Roger W. Stalcup, Secretary  
Review Committee  
6/23/98  
\_\_\_\_\_  
Date