



REVIEW COMMITTEE

IBEW



PACIFIC GAS AND ELECTRIC COMPANY
LABOR RELATIONS DEPARTMENT
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INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W.
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ROBIN WIX, CHAIRMAN
☐ DECISION
☐ LETTER DECISION
☐ PRE-REVIEW REFERRAL

KIT STICE, SECRETARY

Pre-Review Committee Number 22730 Gas Operations – Gas Mapping, Scanning and Attributing– San Ramon

Brenda Legge
Company Member
Local Investigating Committee

Lou Mennel
Union Member
Local Investigating Committee

Subject of the Grievance

This case concerns the termination of an Operating Clerk for failure to return to work or submit completed leave of absence paperwork for a continued medical leave.

Facts of the Case

The grievant was an Operating Clerk with 7 years of service. She had an active Written Reminder, Oral Reminder and Coach & Counsel in Attendance at the time of her termination on August 23, 2014.

The grievant was on an approved medical leave of absence from May 14, 2014 through August 2, 2014 with an expected return date of August 4, 2014. The grievant faxed paperwork on July 29, 2014 to Hewitt to request an extension of her medical leave of absence, and on August 4, 2014, the grievant was informed by her Hewitt case worker that her paperwork was incomplete and she must submit fully completed paperwork by August 15th in order to be on an approved medical leave of absence. The grievant received the new paperwork to be completed from Hewitt on August 8th however she did not provide the paperwork to her doctor to be completed timely.

The grievant's supervisor sent a 10 day letter on August 4, 2014, stating the grievant must return to work or be on an approved leave of absence by August 15, 2014 or she would be administratively terminated. Additionally, the supervisor called the grievant and left a voice message stating it was imperative that the grievant return her call regarding her continued employment. The grievant failed to contact her supervisor at any time prior to her termination and stated during the Local Investigating Committee meeting that she didn't feel it was necessary to call the supervisor when she received the 10 day letter or the voicemail message because she was working with Hewitt.

Discussion

The Union argued that the grievant was working with her doctor to have the appropriate medical leave paperwork submitted to Hewitt as required and therefore the grievant should not have been terminated. The grievant provided the Company with copies of text messages between herself and her doctor verifying that she was in contact with him regarding the necessary paperwork for her extended medical leave. Additionally, the doctor was on vacation during part of this time period which created further delays outside of the grievant's control.

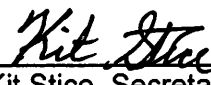
The Company argued that the grievant was terminated as a result of her failure to return to work when her approved leave ended or submit appropriately completed documentation certifying her need for a continued medical leave. The Company provided written documentation and had various verbal communications with the grievant in regards to her employment status, including discussions with the Sr. Manager of the Absence and Accommodations during which the grievant never disclosed that she was unable to obtain the necessary paperwork from her doctor or that he would be going on vacation following August 15, 2014. The grievant received the new paperwork to provide to her doctor on August 8, 2014 and did not turn them into her doctor timely, stating during the Local Investigating Committee meeting that she had until August 15th to complete the paperwork. This demonstrates that she was aware of the deadline and did not take the necessary action to ensure her continued employment as outlined in the 10 day letter. Additionally, as of her termination on August 23, 2014, the grievant had not submitted the required paperwork.

Decision

Following much discussion, the Committee agreed the termination was for just cause. This case is closed without adjustment.


Robin Wix, Chairman
Review Committee

3/26/15
Date


Kit Stice, Secretary
Review Committee

3/26/15
Date