



PACIFIC GAS AND ELECTRIC COMPANY
LABOR RELATIONS DEPARTMENT
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REVIEW COMMITTEE



INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W.
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CLAIRE IANDOLI, CHAIRMAN

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

KIT STICE, SECRETARY

Pre- Review Committee Number 24181 (Customer Care) – (Bill Print Mail) – (Sacramento)

Julia Albuquerque-Kurtz
Company Member
Local Investigating Committee

Bryan Carroll
Union Member
Local Investigating Committee

Subject of the Grievance

Whether the Decision-Making leave (DML) was not issued for just and sufficient cause.

Facts of the Case

Grievant is an Accounting Clerk with a hire date of September 24, 2001.

In early December 2016, Grievant began calling in sick. When she began calling in sick, she was on an active Coach and Counseling and an active Oral Reminder in Attendance.

By mid-December 2016, Grievant requested a continuous Medical Leave of Absence from Sedgwick, the Company's third-party administrator.

In early January 2017, Sedgwick received a Family Medical Leave Act (FMLA) Health Care Provider form from Kaiser with insufficient information for a Company Medical Leave.

In mid-January 2017, Grievant contacted Sedgwick and was informed that the paper work received from Kaiser was for FMLA, not a Company Medical Leave, so Kaiser would need to submit a new Company Medical Leave form for the leave to be considered.

In early February 2017, Sedgwick contacted Grievant and explained that her claim was denied because she had not submitted the paper work needed to substantiate the Company Medical Leave request.

On February 14, 2017 Sedgwick received the completed Medical Certification form from Kaiser. Later in February, Sedgwick informed Grievant that the form received from Kaiser on February 14, was a duplicate of the form originally received in early January which only addressed FMLA, not a Company Medical Leave.

At the end of February, Grievant attempted to return to work without a medical release. Grievant was told by Sedgwick to obtain a release prior to returning to work.

In early March 2017, Sedgwick received a Physician's form from Kaiser. The form supported Grievant's leave from the period of 3/3-3/11/17 only.

In mid-March, Grievant contacted Sedgwick and learned that her claim was denied and closed due to lack of medical documentation. According to Sedgwick, approval of a medical leave would only be accepted on a "going forward" basis.

During the mid-March timeframe, Grievant contacted her Supervisor and asserted the lack of supporting documentation for her leave was due to Kaiser's delay, not her own.

On March 22, 2017, Kaiser faxed Sedgwick a form which stated in pertinent part, "[Grievant] submitted paperwork to our office for completion on 2/2/17. It was completed on 2/14/17 then faxed and mailed to you. There were dates of absence missing on the form, which was no fault of the patient. Please excuse our error and any delay in processing her form and accept the revised/ corrected form...which covers her entire absence from 12/7/16 through 3/10/17...".

On or about April 11, 2017, Grievant returned to work and was given a DML for unavailability and for not turning in her medical leave documentation in a timely manner.

Company Position

The Grievant has a long-standing history of not submitting paper work in a timely manner. Despite Grievant's understanding that she needed to submit paper work to extend her leave, she failed to do so and waited until the last day of the initial leave period, to request further extensions of time. Finally, Grievant did not explain her failure to comply with the Leave policy.

Union's position

The Union contends the Kaiser note dated 3/22/17 substantiated Grievant's request for leave for the entirety of her absence. They contend the DML should be withdrawn.

Decision

The Pre-Review Committee discussed this case at length. The Committee agreed that employees must take responsibility for obtaining the proper medical documentation to support their Leave requests. Further, employees must be held accountable for keeping their Supervisors informed of their status and for adhering to Company rules and policies regarding Leave requests. Despite the Grievant's failure to adhere to the timelines listed in the various Sedgwick communications, Kaiser did not provide Grievant with the proper medical documentation in a timely manner and ultimately acknowledged that Grievant was not responsible for their delay in processing the paper work. Therefore, the Committee agrees, since the DML is now moot, to withdraw the DML and remove it from Grievant's file on a non-precedent setting basis, and to close the grievance.

Claire Landoli 11/15/18

Claire Landoli, Chairperson Date
Review Committee

Kit Stice 11/14/2018

Kit Stice, Secretary Date
Review Committee