

REVIEW COMMITTEE DECISION
R. C. FILE NO. 51
COAST VALLEYS DIVISION, GRIEVANCE NO. 39

Discharge of: D. I. Peters, Machinist
W. Dayton, Mechanic
E. Belgard, Day Helper
All employed at Moss Landing Steam Plant

Subject of Grievance:

The named employees were discharged effective 4:30 p.m. on October 26, 1953, because of a refusal to obey instructions given by the plant superintendent to revise expense accounts which were submitted by them and which the Division deemed to be unreasonable. The reason for their discharge was termed insubordination. Each employee was off the payroll for a period of 17 working days but all returned to work on November 19, 1953, in conformance with a recommendation made by the Review Committee.

The Union contended that the refusal of the employees to change their expense accounts did not constitute insubordination and that the employees should not be penalized for any time lost as a result of their dismissal. The Company maintained that if the employees believed that a revision of their expense accounts as ordered by Division supervisors was not in accord with the contract provisions, they should have nevertheless made the revision as requested and filed a grievance, thereby avoiding discharge.

Statement and Decision:

This Committee has made a thorough review of the circumstances surrounding this case and its decision is composed of two parts:

1. On November 18, 1953 it was recommended that the discharged employees should be given an opportunity to report for work in their former jobs, and that their employment records be changed to indicate a lay-off as of October 26, 1953, rather than a discharge for insubordination. The Division followed such recommendation and the employees returned to work on November 19, 1953. Each employee's employment record was corrected to indicate that he was laid off October 26, 1953.

2. It is believed that both the employees involved and the Division supervisors were unduly adamant in their respective positions concerning the correction of expense accounts and thus failed to exert their full efforts to reach accord. For this reason the record should show that the employees were laid off without pay from October 26, 1953, to November 2, 1953. Commencing November 2, 1953, employees should be reinstated by the Division and be allowed full pay for such time lost during their regular workdays between the dates of November 2, 1953 and November 18, 1953, inclusive.

FOR UNION:

Ray Michael
Leonard Gehringer
Elmer B. Bushby

By Elmer B. Bushby

Date 12-7-1954

FOR COMPANY:

H. F. Carr
R. J. Tilton
V. J. Thompson

By R. J. Tilton

Date December 6, 1954