

REVIEW COMMITTEE DECISION

R.C. File No. 153

East Bay Division Grievance No. 108 - Termination of Employment of
Wayne G. Cannady

Subject of Grievance:

The grievant, a Helper employed at Martinez Power Plant, was assigned the task of unloading sacks of lime. He flatly refused to perform the duty claiming that he had a bad back. After some conversation with his supervisors, he was discharged for insubordination. His employment history indicates that he had approximately five years earlier sustained a back injury, had terminated his employment with the Company, and had thereafter been employed by Coast Counties Gas and Electric Company as a Laborer and Helper in the Gas Department, after which he had re-entered P. G. and E. Company employment at the time of the merger with Coast Counties Gas and Electric Company. A compromise and release settlement with respect to his back injury had been effected between the employee and the Company.

Statement and Decision:

In reviewing the facts of this case the undersigned are of the opinion that the employee may have believed that if he unloaded the lime sacks, he would possibly sustain another back injury. Under these circumstances his refusal to perform the work could be construed as a resignation rather than insubordination. His employment record should therefore be modified to read: "Resigned - employee did not consider himself physically capable of performing work."

For Union:

Russell Stone, Jr.
Paul Devlin
L. L. Mitchell

By L. L. Mitchell

Date April 29, 1957

For Company:

E. F. Sibley
C. L. Yager
V. J. Thompson

By E. F. Sibley

Date April 25, 1957