

## REVIEW COMMITTEE DECISION

Review Committee File Number 289  
Coast Valleys Grievance Number 206

### Subject of Grievance

A grievance was filed by an employee of the Coast Valleys Division following termination of his employment on January 27, 1961. The employee, formerly a First Operator-Hydro, in Shasta Division, bid on a First Operator vacancy at San Luis Obispo. He was awarded the vacancy under the provisions of Title 206.9 (b) on October 1, 1960, and reported to the substation on November 21st.

It was recognized that the operation of this substation would differ from his previous hydro plant experience. However, as the employee had approximately thirteen (13) years of operating experience, it was anticipated that with some additional training he would be able to operate the San Luis Obispo Substation.

Following his assignment to the substation, the employee was assigned to work with other substation operators for training. Soon thereafter the employee discussed with his supervisor his increasing nervousness over the prospect of operating the substation alone. The employee's uncertainty and nervousness increased to a point where he found it necessary to consult a doctor, about eight days after reporting to San Luis Obispo. At that time he had not been required to stand a shift alone. The assistance and encouragement offered by his supervisor and the other operators apparently did not relieve his nervousness as he asked to be relieved from his job after working his first full shift alone on January 5, 1961.

The employee was placed on sick leave. A medical report was obtained by the employee which stated that he was capable of returning to work; however, the physician recommended that he procure work with little or no responsibility. Following a discussion of this report with his supervisor, the Division endeavored to place him in work of the nature recommended by the physician. As the Division was unable to place him in other work, the employee was informed on January 25 that unless he could return to work as a First Operator he would be laid off. The employee told his supervisor that he would not return to his former duties and the Division terminated him on January 27, 1961. Subsequently, a vacancy occurred as a Helper in the Santa Maria Warehouse which was offered to the employee and accepted by him. As the matter now stands, the employee has been re-employed as a probationary Helper.

As settlement of this grievance, it was requested that the employee be reinstated as a regular employee and, also, that he be placed on sick leave with pay from the date of his termination on January 27 until he was rehired as a Helper on April 24, 1961.

### Statement and Decision

The employee requested to be relieved of his First Operator duties. The Division endeavored to place him in other work and when unable to do this,

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and the employee refused to return to his regular assignment, he was terminated on January 27, 1961.

The doctor's report obtained by the employee states that he is able to work but contains a recommendation that he be placed in work of lesser responsibility. The employee's failure to return to work on January 27 was not a result of physical illness but rather a choice made by him that he did not wish to continue in that type of work. In view of this, it is the opinion of the Review Committee that the employee is not entitled to sick leave. However, in view of the circumstances surrounding this particular grievance, the employee is to be reinstated as a regular employee and the period from January 27 to April 24, 1961 is to be shown on his personnel record as a layoff.

FOR UNION:

Kenneth Stevenson  
W. M. Fleming  
L. L. Mitchell

By L. L. Mitchell

Date Sept 13, 1961.

FOR COMPANY:

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

By V. J. Thompson

Date June 27, 1961

Signing of this decision was delayed waiting the determination by Mr. Clure as to whether he would file a claim under industrial disability. Check attorney above date + Mr. Clure not going to file as he had not answered attorney request for info etc.

A. L. M.