

# REVIEW COMMITTEE

## PG and E



PACIFIC GAS AND ELECTRIC COMPANY  
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L.N. FOSS, SECRETARY

### CASE CLOSED LOGGED AND FILED

### RECEIVED JAN 2 2 1980

D.J. BERGMAN, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

#### REVIEW COMMITTEE DECISION

Review Committee File No. 1469-79-11  
Fact Finding Committee No. 1150-79-91  
Stockton Division Grievance No. 16-81-79-5

#### Subject of the Grievance

This grievance concerns the discharge of a Reserve Gas Serviceman, Stockton Division, for failure to report for work on February 7, 1979. This incident was the second within a one-year period in which the grievant's off-duty combination of alcohol and questionable driving habits have interfered with his availability for work.

#### Facts of the Case

On February 7, 1979, the grievant failed to report for work and failed to call his supervisor at the start of his workday. The facts indicate that the grievant had been picked up by the police and incarcerated in the San Joaquin County Jail on charges of being found in a public place willfully and unlawfully under the influence of intoxicating liquor. In February 1978, the grievant had been involved in a serious automobile accident while trying to avoid police pursuit. The grievant was convicted of being under the influence of alcohol in that case and given a suspended sentence. As a result of that accident, the grievant was off work for approximately six months recovering from his injuries.

In the instant case, the grievant claims that he had been unable to make a phone call from the jail in order to inform his supervisor that he would be unavailable to report for work. However, the grievant did contact the Company in the afternoon of February 7. On the basis of his failure to report to work, the Company discharged him as of that date.

#### Decision

The record indicates that the grievant, who was hired on November 19, 1973, was otherwise a satisfactory Serviceman. There is no indication other than being counselled regarding his attendance that the grievant's work history, attitude or performance were other than acceptable. For the misconduct displayed by the grievant in this most

recent incident, particularly in view of a similar incident a year earlier, the Review Committee feels that severe disciplinary action is in order. However, the Committee does not believe that discharge is warranted. As a result, the Review Committee agrees to reinstate the grievant as a Reserve Gas Serviceman but without back-pay effective August 13, 1979. The Committee further notes that any repeated acts of this type of misconduct on the part of the grievant will be the cause for immediate discharge. The grievant's only recourse to the grievance procedure for a period of one year in that event will be to determine whether or not the incident occurred, and if it did, the discharge will be sustained. On that basis, this case is considered closed.

FOR COMPANY:

F. C. Buchholz  
J. B. Stoutamore  
D. J. Bergman

By *Dandy Bergman*

Date 12-17-79

FOR UNION:

G. W. Abrahamson  
W. H. Burr  
L. N. Foss

By *L. N. Foss*

Date 12-17-69