

In the Matter of an Arbitration between

**INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, LOCAL 1245,**

Union.

and

PACIFIC GAS AND ELECTRIC COMPANY

Employer

**Re: LTD Claim of Layton E. Rease,
Arbitration Case No. 272**

Decision

Of

BOARD OF ARBITRATION

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BOARD OF ARBITRATION

For the Union: Kenneth L. Ball, Jr. and Lula Washington

For the Company: Jeff Wilding and Margaret Short

Neutral Board Member: Barbara Chvany

APPEARANCES

On Behalf of the Plaintiff:

Tom Dalzell
I.B.E.W. Local 1245
P.O. Box 2547
Vacaville, CA 95696

On Behalf of the Defendant:

Stacy Campos
PG&E
Law Department
P.O. Box 7442
San Francisco, CA 94120

INTRODUCTION

The above matter was set for hearing on March 27, 2006 before the above-referenced Board of Arbitration, which was duly constituted pursuant to the Labor Agreement ("the Agreement") between the Parties. At the hearing, the Company raised an issued of substantive arbitrability, contending that the issue in question is not a proper

subject for the grievance procedure and arbitration provisions of the Agreement. On a confidential, non-precedential and non-citable basis, the Company agreed not to pursue that defense in this proceeding given the unique facts of the case. Instead the parties agreed to discuss the sequence of events leading to the filing of the grievance.

ISSUE

Was there significant factual error involved in the Long Term Disability (LTD) claim of Layton E. Rease; and, if so, what shall be the remedy?

DECISION

1. There was significant factual error involved in the LTD claim submitted by Layton E. Rease.
2. As a remedy, Mr. Rease and the Parties shall have the opportunity to correct the error by obtaining and submitting to the Company medical certification, and evidence, as required, that he was incapable of performing the material duties of his job classification based upon a physical condition and/or organic brain syndrome as of February 16, 2004. The Parties and Mr. Rease shall work cooperatively to develop a process for same.
3. Upon receipt of the medical certification, and evidence as required, it will be evaluated by the Company to determine if it corrects the factual error. If so, an appropriate correction to Mr. Rease's LTD status retroactive to February 16, 2004 shall be made, and Mr. Rease shall receive LTD Plan benefits retroactive to that date payable in the amounts and manner provided for by the Long Term Disability Plan, subject to any appropriate offsets or other adjustments.

4. The Company's EBAC retains jurisdiction over the implementation of the above remedy in the event a dispute arises that the Parties are unable to resolve.

Margaret Short
Company Board Member
Margaret A. Short

CONCUR / DISSENT

10/27/06
Date

Jeff Wilding
Company Board Member
Jeff Wilding

CONCUR / ~~DISSENT~~

10/27/06
Date

Kenneth L. Ball, Jr.
Union Board Member
Kenneth L. Ball, Jr.

CONCUR / DISSENT

11-13-06
Date

Lula Washington
Union Board Member
Lula Washington

CONCUR / DISSENT

11-10-06
Date

Barbara Chvany
Neutral Board Member
Barbara Chvany

CONCUR / DISSENT

11-20-06
Date