

REVIEW COMMITTEE

PG and E

PACIFIC GAS AND ELECTRIC COMPANY
245 MARKET STREET, ROOM 444
SAN FRANCISCO, CALIFORNIA 94106
(415) 781-4211, EXTENSION 1125

IBEW 

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W.
P.O. BOX 4790
WALNUT CREEK, CALIFORNIA 94596
(415) 933-6060
L.N. FOSS, SECRETARY

D.J. BERGMAN, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

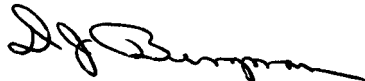
General Construction Grievance No. 3-134-77-5
P-RC 309
Qualification For Supplemental Benefits

March 21, 1978

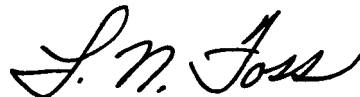
MR. C. GORDON SPARROWE, Chairman
General Construction
Joint Grievance Committee

The Pre-Review Committee is in receipt of the Joint Grievance Committee's Addendum dated February 15, 1978, to Grievance No. 3-134-77-5, concerning the supplemental benefits.

In view of Paragraph 2 of the Addendum, it appears that the Joint Grievance Committee has resolved the issue in dispute including the appropriate rate of pay, and once the adjustments are made, the Review Committee considers the case closed.



D. J. BERGMAN, Chairman
Review Committee



L. N. FOSS, Secretary
Review Committee

DJB:rto

cc: CHSedam
IWBonbright
LVBrown
HGCooke

PG&E

FOR INTRA - COMPANY USES

DIVISION OR
DEPARTMENT

FILE NO.

RE LETTER OF

SUBJECT

GENERAL CONSTRUCTION

PERSONNEL DEPARTMENT

Grievance 3-134-77-5 (P-RC 309)

RECEIVED FEB 22 1978

INDUSTRIAL RELATIONS

FEB 21 1978

IWB
KHA
DJB

LVB
MMC
PMH

PNL
RTO
RLS

February 17, 1978

MR. D. J. BERGMAN:

Enclosed are copies of the Additional Joint Statement of Facts for Grievance 3-134-77-5. This Grievance had been referred to the Review Committee on March 4, 1977. It was returned to the Joint Grievance Committee by the Pre-Review Committee on June 23, 1977 with instructions that the case be reviewed and resolved consistent with Review Committee Case number 219.

The case was reviewed by the Joint Grievance Committee. After this review one issue remained that the Joint Grievance Committee could not resolve. Therefore, on December 13, 1977 the Union asked that the Grievance be referred back to the Review Committee for resolution of this issue.

H. G. COOKE

DKLee (2011):eb

- cc: RSBain
- WFunabiki
- RIrons
- CGSparrowe
- JWoodward

GENERAL CONSTRUCTION
ADDITIONAL JOINT STATEMENT OF FACTS
GRIEVANCE 3-134-77-5

On June 23, 1977 the Review Committee returned this case to the Joint Grievance Committee, stating that it should be settled consistent with the guidelines established in Review Committee Decision RC-219.

After examining RC-219 the Joint Grievance Committee determined that the Grievant was entitled to Supplemental Benefits. Also, after further discussion, the Committee determined that these Benefits should be based on the Lineman's rate of pay.

However, an issue remains with the Joint Grievance Committee that has not been resolved. The Committee members could not reach agreement on what was the basis for the determination that the Grievant should be paid Benefits based on the Lineman's rate of pay. Company's position is that this determination was based on the fact that he was laid off as a Lineman; if he had been demoted to Groundman prior to the decision that he should not have been working, the Supplemental Benefits would be based on a Groundman rate of pay. Union position is that the Grievant was entitled to Benefits based on the Lineman rate of pay because that is the classification he held at the time he was injured. Union argues that the language of RC-219 does not permit the Company to base the amount of Supplemental Benefits on a classification to which an employee might have demoted under the provisions of Title 306 of the Agreement.

Since the members of the Joint Grievance Committee could not resolve this issue it is being forwarded to the Review Committee for final determination.

Roger Stalcup
For the Union

2/15/78
Date

Gordon Sparrow
For the Company

Feb. 15, 1978
Date

REVIEW COMMITTEE

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- DECISION
 LETTER DECISION
 PRE-REVIEW REFERRAL

General Construction Grievance Nos. 3-133-77-4,

3-134-77-5 and 3-178-77-49

P-RC 308, 309 and 310

Demotion of Helper; Qualification For Supplemental
Benefits; and Reinstatement of Employee From
Leave of Absence

June 23, 1977

MR. C. GORDON SPARROWE, Chairman
General Construction
Joint Grievance Committee

The above-subject grievances have been discussed by the Pre-Review Committee prior to their docketing on the agenda of the Review Committee and are being returned to the Joint Grievance Committee for further discussion and information, and in some cases, for settlement.

Grievance No. 3-133-77-4 (P-RC 308)

The Pre-Review Committee is not certain as to the issue in dispute in that the Joint Statement of Facts is incomplete. Therefore, the following information is requested before the case will be docketed by the Review Committee:

1. The employment history of the grievant.
2. (a) The record seems to indicate that he is suffering from reoccurring episodes of hyperventilation; if this is so, to what extent?

(b) Additionally, the record indicates that this problem is not industrially related; if that is the case, why was he placed on the Workers' Compensation payroll?
3. What are the grievant's residual disabilities in view of his permanent and stationary rating?

With regard to the foregoing, the Joint Statement of Facts indicates that from December 27, 1976, to his demotion on January 6, 1977, he was incapacitated as a result of an alleged industrial injury (the industrial problem); with that being the case, it appears that supplemental benefits would be in order during this period of time. As to his rights relative to Title 108 of the Physical Labor Agreement, the Review Committee is not in a position to make that determination until such time

June 23, 1977

as a final ruling has been determined by the Workers' Compensation Appeals Board. To that end, the Joint Grievance Committee should retain jurisdiction and upon final determination of the industrial disability, apply the guidelines established in Review Committee Decision Case No. 1200.

Grievance No. 3-134-77-5 (P-RC 309)

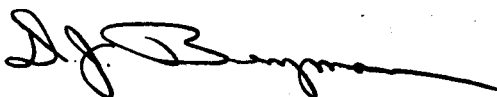
This issue is not new to the Review Committee, and as a result of Review Committee Decision Case No. 219 (attached), the Joint Grievance Committee should again review the case and resolve the grievance consistent with the guidelines established in the above-mentioned Decision, as the Joint Statement of Facts indicates that the grievant was industrially injured prior to the notice of his layoff.

Grievance No. 3-178-77-49 (P-RC 310)

The Joint Statement of Facts is incomplete, and the following information is necessary before the Review Committee will docket the case:

1. The classification and the employment history of the grievant.
2. The nature and extent of his disability, including the Workers' Compensation findings as to the residual disabilities.
3. The grievant's entitlements pursuant to the Benefit Agreement, if any.

Once the Joint Grievance Committee has completed their investigation, the Committee should also consider the grievant's status on September 10, 1976, in view of the Workers' Compensation ruling and determine if on that date he was physically capable of returning to his former classification. If not, what justification would there be to bridge his service to February, 1977, when the Labor Agreement, specifically, Title 101, provides for a leave of absence not to exceed 12 months?



D. J. BERGMAN, Chairman
Review Committee



L. N. FOSS, Secretary
Review Committee

DJB:rto
Attachment

cc: CHSedam
IWBonbright
LVBrown
HGCooke