

206.15 P  
208.1 P  
102.2 P  
603.3 P

## REVIEW COMMITTEE

# PG and E

# IBEW

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

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  
M.A. MEDEROS, SECRETARY

**CASE CLOSED  
LOGGED AND FILED**

D.J. BERGMAN, CHAIRMAN

- DECISION  
 LETTER DECISION  
 PRE-REVIEW REFERRAL

Coast Valleys Division Grievance Nos. 18-375-79-72  
and 18-388-79-85  
P-RC 540  
Demotion of Power Plant Rigger to Tool Room Clerk

July 14, 1980

MR. D. J. COYNE, Company Member  
Coast Valleys Division  
Local Investigating Committee

MR. C. L. WHEELER, Union Member  
Coast Valleys Division  
Local Investigating Committee

The above-subject grievance has been discussed by the Pre-Review Committee prior to its docketing on the agenda of the Review Committee and is being returned, pursuant to Section IB(2) of the Review Committee procedure, to the Local Investigating Committee for settlement in accordance with the following:

This case involves the demotion of grievant, a Rigger at Moss Landing Power Plant to Tool Room Clerk for his physical inability to perform the considerable amount of overtime work that the Company felt was required of this position. The Company's belief was that the grievant, being unable to meet the alleged job requirements of this position, should be demoted to a job which requires less overtime and thus meets the grievant's physical limitations. The other grievance involved in this decision concerns the April 4, 1979 letter, wherein the grievant was exchanged with a Morro Bay Rigger in order to accomplish overtime maintenance at Moss Landing. This was treated as a traveling assignment for the grievant, however, he was returned four weeks ahead of schedule to Moss Landing because of his inability to work overtime at Morro Bay, even on a limited basis. The letter noted that if there was no subsequent improvement in his medical condition by April 30, 1979, that the Company would again consider alternatives to his employment as a Rigger.

The Committee reviewed the considerable evidence in this case, including the grievant's medical history, employment and previous disciplinary history. During the grievant's relatively brief, approximately four years employment history, the Committee notes that he has received two - ten day disciplinary layoffs for refusal to work, or report for, prearranged overtime. The Committee also notes the considerable medical evidence indicating a history of Meniere's disease which condition, the evidence indicates, pre-existed his employment with PGandE. The Committee also notes that the grievant was employed while receiving disability payments from the Steel Worker's Union. Neither of these two facts, that is, the existence of the medical condition or the receiving of disability payments were noted on the grievant's employment application.

July 14, 1980

Following further discussion of this case, the Union opined that in reviewing the grievant's past employment record that discharge may have been in order for grievant's further failure to work overtime as directed but not demotion. After further discussion, the Union, without agreeing that demotion was the appropriate remedy in this case, understands that the Company chose this alternative and the assignment to Morro Bay Power Plant to preserve the grievant's employment and agrees to settle both cases on that basis without prejudice to the position of either party. One further note, the Committee understands that grievant was recently discharged for theft of Company material which was sustained by the Local Investigating Committee.

These cases are considered closed on the basis of the foregoing, and the closure should be so noted by the Local Investigating Committee.

  
D. J. BERGMAN, Chairman  
Review Committee

  
M. A. MEDEROS, Secretary  
Review Committee

PEPettigrew(1123):ml

cc: FCMarks  
MEBadella  
LCBeanland  
IWBonbright  
LVBrown  
FCBuchholz  
RHCunningham  
NRFarley  
CAMiller  
JBStoutamore  
WKSnyder  
CPTaylor  
Division Personnel Managers