

REVIEW COMMITTEE

PG and E

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

D.J. BERGMAN, CHAIRMAN

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
R.W. STALCUP, SECRETARY

CASE CLOSED NOV 16 1982
LOGGED AND FILED

RECEIVED NOV 16 1982

- DECISION
 LETTER DECISION
 PRE-REVIEW REFERRAL

East Bay Division Grievance No. 1-1431-81-238
P-RC 777

October 29, 1982

MR. F. H. GREENSTEIN, Company Member
East Bay Division
Local Investigating Committee

MR. V. STAMPS, Union Member
East Bay 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 Step Five A(v) of the grievance procedure, to the Local Investigating Committee for settlement in accordance with the following:

This case concerns a Lineman who was given a three-day disciplinary layoff for physically assaulting a fellow employee. Also at issue is Company's refusal to allow him to return to work until he was released by a panel psychiatrist.

Following the three-day disciplinary layoff, the grievant was not allowed to work from September 2, 1981 - September 30, 1981. During this time, he was paid nine days of sick leave and five days of vacation. He was to return to work on October 1, 1981, however, he called in sick and was still unable to work on October 2, 1981. Because he had already used all of his sick leave, these two days were without pay. He returned to work on October 5, 1981.

On various dates in September 1981, the grievant was seen by a licensed psychologist and a psychiatrist as well as an Employee Assistance Program counselor. All concluded that returning him to work immediately following the three-day disciplinary layoff would not have been in the best interests of the Company or the grievant.

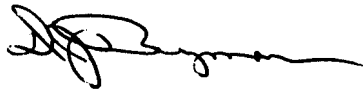
During the Local Investigating Committee's investigation, Union committee members stated that they had a psychiatrist who would declare that the grievant was capable of returning to work on September 2, 1981. With that understanding, it was agreed by the Local Investigating Committee to submit the issue to an agreed-to medical examiner. Union provided the Pre-Review Committee with a report from a psychiatrist which indicated that the grievant was "capable of resuming his duty" on September 2, 1981. This report, however, was from the doctor which the Union had selected as an agreed-to medical examiner. No second opinion was ever submitted.

October 29, 1982

Decision

The Pre-Review Committee is in agreement that the three-day disciplinary layoff was for just and sufficient cause and further that it would be proper to submit the record to an agreed upon psychiatrist for medical arbitration. However, in consideration of the amount of time which has expired while this case was being processed, the Pre-Review Committee agrees to restore to the grievant's sick leave account the nine days he used in September 1981. From that, two and a half days will be applied to his absences on October 1, 2, and December 7, 1981 (four hours). No adjustment will be made in his vacation entitlement.

This case is considered closed on the basis of the foregoing and the adjustment provided herein, and the closure so noted by the Local Investigating Committee.



D. J. BERGMAN, Chairman
Review Committee



R. W. STALCUP, Secretary
Review Committee

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