

**REVIEW COMMITTEE****PG and E**

PACIFIC GAS AND ELECTRIC COMPANY  
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D.J. BERGMAN, CHAIRMAN

- DECISION  
 LETTER DECISION  
 PRE-REVIEW REFERRAL

**CASE CLOSED**  
**LOGGED AND FILED**  
**RECEIVED OCT 31 1984**

General Construction Grievance No. 3-1237-83-80  
P-RC 930

October 30, 1984

MR. R. S. BAIN, CHAIRMAN  
General Construction  
Joint Grievance Committee

MR. MIKE MC KINNEY, CHAIRMAN  
General Construction  
Joint Grievance Committee

Grievance Issue

Denial of per diem while on paid sick leave.

Facts of the Case

The grievant was working on a job outside of his Residence Area and was receiving per diem expenses. His normal practice was to rent a motel room as a temporary residence and to pay for the room Monday through Thursday nights. He normally checked out of the room on Friday morning and returned to his permanent residence at the end of work on Friday afternoon.

The grievant spent the night of Thursday, September 15, 1983, in the motel room. On Friday, September 16, he did not report for work. Rather, he traveled to his permanent residence to keep a prearranged appointment with his personal physician. The grievant was paid sick leave on September 16, but was not paid per diem expenses for that day.

Discussion

The Company reviewed Subsection 301.4(e) of the Agreement which provides, in part, that "when an employee who maintains a temporary residence while on a job that is outside his Residence Area--is unable to work due to illness, he/she shall be allowed per diem expense for up to five workdays during any single period of illness. Employees who have temporary residences will qualify for this allowance by providing evidence that this residence was maintained during the period of illness."

Company stated that this means the employee must actually reside in the temporary residence and must have paid for the residence on the days in question. The Company noted that the grievant neither remained in the motel room on September 16, nor paid for the room for that day. The Company further stated that the purpose of this language is to compensate ill employees who elect to remain in their temporary residences to convalesce rather than drive long distances to their permanent residences while ill. Company noted that the grievant was not "unable to work due to illness" on September 16, but rather

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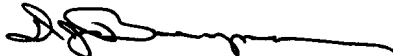
took the day off to travel to his doctor's office to keep a prearranged appointment. For these reasons, and because the grievant did not work on September 16, the grievant properly was denied per diem expenses for the day, Company concluded.

The Union stated that Company has established the practice of paying per diem expenses to employees who are ill on a Friday and who have paid for a room through check-out time on that Friday, and that the case in question should be treated no differently. Union also pointed out that, while grievant did not remain in the temporary residence throughout the day on September 16, he nevertheless incurred expenses for travel and meal costs, both of which are partly reimbursed in per diem expenses.

#### Decision

The Pre-Review Committee has determined that, in light of the clear and specific language of Subsection 301.4(e), the grievant was not eligible for per diem expenses on September 16. Nevertheless, since the grievant may have misunderstood his per diem eligibility on that day, the Committee has agreed, as an equity settlement, to grant the grievant his regular per diem allotment for the day. However, in the future, employees will be required to demonstrate legitimate reasons for staying in temporary residences when not at work in order to be eligible for per diem expenses.

Case closed on this basis.



D. J. BERGMAN, Chairman  
Review Committee



R. W. STALCUP, Secretary  
Review Committee

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