

REVIEW COMMITTEE



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
R.W. STALCUP, SECRETARY

**CASE CLOSED
LOGGED AND FILED**

MAY 23 1986

D.J. BERGMAN, CHAIRMAN

RECEIVED MAY 14 1986

- DECISION
 - LETTER DECISION
 - PRE-REVIEW REFERRAL
- General Construction Grievance No. 3-1388-85-22
P-RC 1034

May 12, 1986

RICHARD S. BAIN, Chairman
General Construction
Joint Grievance Committee

BERRY J. HUMPHREY, Chairman
General Construction
Joint Grievance Committee

Grievance Issue

Discharge of a Routine Field Clerk for unavailability.

Facts of the Case

The grievant was a Routine Field Clerk assigned to the Helms Project. He had been employed with the Company since September 7, 1965. The grievant had held various Gas Construction positions such as Truck Driver, Tractor Operator and Backhoe Operator.

On June 1, 1983, the grievant injured his back while working as a Backhoe Operator. He was released to return to modified work on October 17, 1983. However, he did not return until January 3, 1984 when he was assigned to the Rehabilitation Payroll as a Watchman at the Helms Project. The grievant performed the duties of a Watchman at Helms until May 21, 1984. The grievant entered vocational rehabilitation for clerical duties and subsequently passed the required typing test and was requested to report to the Helms Project on November 13, 1984 as a Routine Field Clerk. Grievant accepted employment as a Routine Field Clerk at the Helms Project.

The grievant failed to report, however, stating that prolonged driving was too painful. The Company scheduled the grievant for a medical evaluation with an orthopedic specialist. The specialist's (Dr. Walker) report dated December 17, 1984 stated, "There is no contraindication whatsoever, other than the patient's psychological attitude, to the employment of the patient in the capacity of Field Clerk for which he is fully physically competent. Any discomforts which the patient might experience in the course of traveling to and from such employment is expected to respond satisfactorily to the therapeutic regimen described in the paragraph entitled "Treatment." The patient is considered as a consequence, permanent and stationary with respect to the level of disability as specified in the paragraph so entitled."

The grievant's medical condition was reviewed by numerous doctors from the time he suffered his industrial injury until he was terminated. Subsequent to his termination, another orthopedic specialist (Dr. Smith, May 3,

May 12, 1986

1985) stated that the grievant complained of numbness in his left leg and hand resulting from prolonged car riding. This doctor also stated that the grievant should avoid prolonged sitting or car riding. On January 30, 1985, the grievant was notified to report for work on February 11 at the Helms Project. The grievant notified the Company on February 11 that he would be unable to report for work because his car was not repaired and that he would be in on February 12. The grievant contacted the Company on February 12 stating that he had made it to Shaver Lake (about 31 miles from the Helms Project) and that his leg had gone numb again. The grievant requested to see a doctor.

At this time, February 12 and 13, the Company concluded that it had sufficient medical documentation which indicated that the grievant could perform the duties of the Routine Field Clerk which included commuting to and from the work site. The Company forwarded to the grievant a letter on February 14 reiterating the most recent medical examination which stated he was fully released to perform the duties of a Field Clerk. The letter also stated that if he did not report for work by February 25 he would be considered to have resigned.

The grievant reported for work at Helms on February 25, 1985. Immediately upon his arrival at work, he complained about numbness in his left arm and leg. He was at the job site for four hours after which he decided to go home stating that he was going to see a doctor and then call his supervisor. The grievant called his supervisor on February 26 and informed him that he would not be in to work that day since he had continued numbness in his arm and leg.

There was no further contact between the Company and the grievant whatsoever until the Company notified the grievant by letter on March 4, 1985 that his absences was unauthorized and that he was terminated for unavailability.

The grievant told the Local Investigating Committee on April 4, 1985 that he was examined by a Dr. Rowe in Fresno on February 25 and was advised not to return to work. Additionally, the grievant was advised by his attorney not to release the medical report to the Company at that time.

Discussion and Settlements

The Committee discussed this case at considerable length during which numerous medical reports were reviewed. The Committee agreed that the main issue was whether grievant could commute the distances involved in February 1985. The Committee agreed to have an agreed-to medical examiner (AME) carefully review the grievant and his medical history to determine if the grievant was physically capable of commuting to Helms.

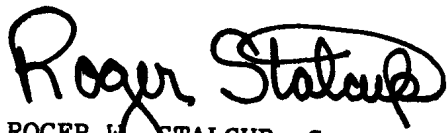
The AME stated that the grievant is perfectly capable of working as a Routine Field Clerk without restriction or modification. The AME further concluded that he could see no reason, either now or in February, 1985 why driving a car for two hours or more would be detrimental to his back situation. The doctor described this as the lightest of all activities not associated with any heavy work. The doctor further stated that he sees no reason why the grievant could not work as a Routine Field Clerk in the Helms Project which would necessitate his driving one hour and one-half a day each way.

May 12, 1986

Based on the AME's opinion concerning the grievant's physical ability to commute to his assigned work location, the Committee agreed that the termination was for just and sufficient cause.

This case is closed without adjustment, and such closure should be so noted by the Joint Grievance Committee.


DAVID J. BERGMAN, Chairman
Review Committee


ROGER W. STALCUP, Secretary
Review Committee

MAShort(222-1123):ml