

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

CASE CLOSED
LOGGED AND FILED

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

D.J. BERGMAN, CHAIRMAN

RECEIVED AUG 14 1986

- DECISION
 LETTER DECISION
 PRE-REVIEW REFERRAL

Golden Gate Region Grievance No. 2-1147-85-75
P-RC 1093

August 13, 1986

KENT H. ANDERSON, Company Member
Golden Gate Region
Local Investigating Committee

ED CARUSO, Union Member
Golden Gate Region
Local Investigating Committee

Subject of the Grievance

This grievance concerns a request for reimbursement of sick leave for the period the grievant, a Materialsman, was off for a medical clarification.

Facts of the Case

On November 29, 1984, the grievant was returned to work from LTD with a full release. In late February 1985, the grievant questioned his original release from LTD and was returned to the doctor. On March 27, 1985, the doctor confirmed that the grievant was released for full duty. On April 8, 1985, the grievant told his supervisor that he would not lift anything that day. According to the testimony of two supervisors, the grievant became highly emotional, pointing his finger at the supervisor's face and raising his voice. As a result of the grievant's statement and behavior, he was sent home, and an appointment was set up with Dr. Freedman, a psychiatrist, for a medical clarification.

Between April 8, 1985 and April 23, 1985, the grievant had five sessions with Dr. Freedman. In the Personnel Department's contact with Dr. Freedman during this period, Dr. Freedman stated that he was not able to release the grievant for work. On April 24, 1985, the Personnel Department received a call from Dr. Freedman indicating that the grievant was, at that time, released to return to work. Written confirmation of this release was received by the Company on April 26, 1985, and the grievant was returned to work the following workday, April 29, 1985.

Discussion

The Committee agreed that this is a case where the grievant precipitated the incident of being put off work by stating that he could not perform the duties of his classification. This is not a case of a supervisor claiming an employee was unfit and the employee disagreeing. It was also recognized that the grievant participated in five sessions with a psychiatrist prior to being released to return to work.

Decision

The Committee agreed that the grievant was appropriately placed on sick leave for the period he was removed from work until his medical release to return. As an equity, non-prejudicial settlement, the Committee agreed to restore the grievant's sick leave for the days between Dr. Freedman's telephonic release of the grievant and his actual return to work (April 25 and 26, 1985).

With this adjustment, this case is considered closed and should be so noted by the Local Investigating Committee.


DAVID J. BERGMAN, Chairman
Review Committee


ROGER A. STALCUP, Secretary
Review Committee

RRDoering(222-1408):mc