

REVIEW COMMITTEE**PG and E**PACIFIC GAS AND ELECTRIC COMPANY
245 MARKET STREET, ROOM 444
SAN FRANCISCO, CALIFORNIA 94106
(415) 781-4211, EXTENSION 1125**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
LOGGED AND FILED**

MAY 20 1987

D.J. BERGMAN, CHAIRMAN

RECEIVED MAY 19 1987

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- DECISION
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- LETTER DECISION
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- PRE-REVIEW REFERRAL

General Construction Grievance No. 3-1557-86-65
P-RC 1159

May 19, 1987

RICHARD S. BAIN, Chairman
General Construction
Joint Grievance CommitteeBARRY J. HUMPHREY, Chairman
General Construction
Joint Grievance CommitteeSubject of Grievance

Improper layoff of Apprentice Lineman.

Facts of the Case

The grievant was hired September 17, 1984 as a Groundman and was promoted to Apprentice Lineman on February 1, 1985. The grievant claimed he was industrially injured on October 22, 1985 and filed a Worker's Compensation claim. While the claim was being handled in that forum, the grievant received a personal medical leave of absence on December 5, 1985. The grievant was released to perform the duties of his classification on June 9, 1986. On June 9, he was involved in cleanup work and on June 10, the grievant and another employee moved a transformer from one pole to another in addition to some limited secondary work in the afternoon. The evening of June 10, the grievant stated his back was sore.

On Wednesday, June 11, the grievant informed his Foreman that he had a problem with his back and that he did not want to climb anymore. The grievant was asked to put his request in writing. The local Field Clerk asked the grievant if he was interested in transferring to Station Department as a Helper. The Field Clerk discussed this option with the individual in San Francisco who would coordinate the transfer of an employee to another Department. After discussing this with Station Department, it was determined that there was not any position available to which grievant could be transferred. The grievant was made aware of that June 12. On June 13, the General Foreman, in response to the grievant's written request, informed the grievant that no other positions were available.

The General Foreman told the grievant to carefully think over his decision during the weekend. On Monday, June 16, 1986, the grievant informed the General Foreman that he would not perform the duties of Apprentice Lineman. The grievant was given four hours pay and terminated.

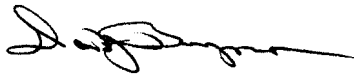
Discussion

The grievant was seeking a voluntary demotion, as opposed to a demotion due to lack of work under the provisions of Title 306, from Apprentice Lineman to Groundman, and apparently desired transfer to another department where climbing would not be required. Company did attempt to identify another position for the grievant, but determined that none was available. The grievant was informed of this fact and of the consequence of continuing to decline to perform the duties of Apprentice Lineman. Grievant, however, responded that he had not changed his mind.

Decision

The Committee agreed that no violation of the Agreement occurred in this case. However, the Committee further agreed that this case may be reopened by either party when the Worker's Compensation Appeals Board decision is reached. In the event the WCAB finds that the grievant was disabled at the time of termination, this case will be reopened for determination of any necessary adjustments as appropriate. If the WCAB denies the grievant's claim, this case will remain closed.

Based on the foregoing, this case is closed, and such closure should be so noted in the minutes of the Joint Grievance Committee.



DAVID J. BERGMAN, Chairman
Review Committee



ROGER W. STALCUP, Secretary
Review Committee

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