



# REVIEW COMMITTEE

# IBEW



PACIFIC GAS AND ELECTRIC COMPANY  
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RECEIVED MAR - 9 1996

**CASE CLOSED  
FILED & LOGGED**

INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS, AFL-CIO  
LOCAL UNION 1245, I.B.E.W  
P.O. BOX 4790  
WALNUT CREEK, CALIFORNIA 94596  
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R.W. STALCUP, SECRETARY

MARGARET A. SHORT, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

**Mission Grievance No. HAY-96-15  
Fact Finding File No. 6521-97-052  
Pre-Review Committee Case No. 2123**

**DAWN SCHMIDT**  
Company Member  
Local Investigating Committee

**ED CARUSO**  
Union Member  
Local Investigating Committee

### Subject of the Grievance

This case concerns the rescinding of a job award made to the grievant while on a medical leave of absence.

### Fact of the Case

On August 1, 1996, the grievant began a medical leave of absence. The initial estimated date of return was September 15, 1996. On September 12, the grievant's doctor extended the leave of absence to go through October 1, 1996. On September 18, 1996, the grievant was awarded an Operating Clerk position in the Capital Investment Department, Hayward, while still on leave of absence. The decision to award the job to the grievant was based on the leave of absence agreement provided by the grievant which indicated her expected return to work date was October 1, 1996. The grievant reported to the position for a full day on October 1, 1996. On October 2, 1996, the grievant took eight hours vacation. On October 3, 1996, the grievant worked one hour and took seven hours vacation. The grievant had indicated to her supervisor she was in a lot of pain that day. The grievant went back on medical leave of absence effective October 4, 1996. As stated on the October 4, 1996 medical leave of absence agreement, the grievant's leave was extended through November 15, 1996. Based on this updated medical information, the job award to the grievant was rescinded and awarded to the next bidder. The grievant's medical leave of absence was again extended and continued until July 31, 1997. On August 1, 1997, the grievant returned to work and reported to her previous position.

Discussion:

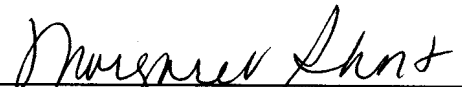
The grievant's leave of absence status was August 1, 1996 through July 31, 1997. The grievant had been awarded the job on September 18, 1996 based on medical information the company had in hand at the time which indicated she would be able to return to work on October 1, 1996. This was an acceptable report date of approximately two weeks from the date of the job award. The grievant reported to work on October 1, 1996 for a full day; took the next day off as vacation and then worked one hour the following day and took seven hours vacation and then went back on a leave of absence for approximately an additional ten months. The fact that the grievant reported to work for a single full day was not sufficient to convince the committee that she was able to work.

Had the company been sufficiently made aware of the grievant's complete medical status, the job offer would not have been made in the first place and the grievant would have been bypassed pursuant to Section 18.1(a) of the Clerical Agreement.


DECISION

After a thorough review and in-depth discussion regarding the facts of this case, the PRC agreed that the grievant was not able to physically perform the duties of the job which she was awarded (Operating Clerk, Capital Investment, Hayward) on September 18, 1996.

This case is closed.

  
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Margaret A. Short, Chairman  
Review Committee

3/6/98  
Date

  
\_\_\_\_\_  
Roger W. Stalcup, Secretary  
Review Committee

3/6/98  
Date