



REVIEW COMMITTEE



IBEW

PACIFIC GAS AND ELECTRIC COMPANY
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RECEIVED JUL 24 1998

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W.
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R.W. STALCUP, SECRETARY

**CASE CLOSED
FILED & LOGGED**

MARGARET A. SHORT, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

North Coast Division Grievance No. STR-97-019
Fact Finding File No. 6555-97-086
Pre-Review Committee Case No. 2126

MERI ISSEL
Company Member
Local Investigating Committee

LARRY PIERCE
Union Member
Local Investigating Committee

Subject of the Grievance

This case concerns whether or not a regular status PG&E employee who is receiving Long Term Disability (LTD) benefits can be dispatched by the Hiring Hall to work for PG&E as a temporary status employee.

Fact of the Case

The grievant, who is on LTD from her regular Operating Clerk Typist position as the Santa Rosa office, signed up at the Hiring Hall in April, 1997. The Hiring Hall offered two positions to the grievant: Field Clerk at Lakeville Substation, and Operating Clerk Typist, Administrative Services Santa Rosa. The grievant chose the Santa Rosa position (which had been her regular position prior to being placed on LTD) and passed the pre-employment drug screen on April 30, 1997. On May 1, 1997, the grievant was notified by the Company's Hiring Hall supervisor that she was not to report to this assignment and that she could not be dispatched from the Hiring Hall as she was a regular status employee with the Company on LTD.

Discussion:

The Union stated that employees on LTD are not precluded from outside employment as long as their outside income meets the conditions outlined in the Benefits Agreement, Part B - Long Term Disability, Section 2.19(H). In addition, the Union stated that an employee on LTD could perform work at PG&E through an outside contractor. The Hiring Hall is considered contracting and it would be appropriate for an LTD employee to be dispatched to PG&E through the Hiring Hall.

The Company stated that employees cannot hold more than one status at a time. In this case, the grievant holds regular status and is on Long Term Disability. It is not appropriate for

the grievant to also hold the status of a temporary Hiring Hall employee. In addition, Hiring Hall letter agreement R1-95-145-PG&E, C. Priority of Referrals, lists the order in which applicants are dispatched for employment at PG&E. Regular status employees on LTD are not in any of the groups prioritized for dispatching.

In the case at hand, following Company's rejection of the grievant for dispatch from the Hiring Hall, Company canceled the request for a Hiring Hall Operating Clerk-Typist, Santa Rosa, and temporarily returned the grievant from LTD to this position. She performed the duties of the Operating Clerk-Typist for approximately three months, at which time she was returned to LTD.

Decision

The Committee agreed that in situations where an employee on LTD is able to perform work, consideration should be given to returning that employee to work on the regular payroll in a temporary or light duty basis. This assignment given should be less than 180 days to ensure the employee can return to LTD in accordance with the Benefits Agreement, Part B - Long-Term Disability, Section 2.14(C.).

This case is closed without adjustment and without prejudice to the position of either party. Should similar circumstance arise in the future, Union reserved the right to grieve and advance the same argument - that is , that an employee on LTD may sign up and be dispatched via the Hiring Hall.

Margaret Short
Margaret A. Short, Chairman
Review Committee
7/22/98
Date

Roger Stalcup
Roger W. Stalcup, Secretary
Review Committee
7/22/98
Date