



REVIEW COMMITTEE

IBEW



PACIFIC GAS AND ELECTRIC COMPANY
2850 SHADELANDS DRIVE, SUITE 100
WALNUT CREEK, CALIFORNIA 94598
(925) 974-4282

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W.
P.O. BOX 4790
WALNUT CREEK, CALIFORNIA 94596
(925) 933-6060
SALIM A. TAMIMI, SECRETARY

MARGARET A. SHORT, CHAIRMAN

DECISION
LETTER DECISION
PRE-REVIEW REFERRAL

Pre-Review Committee No. 10913
San Francisco Call Center Grievance SFO-99-04

Carol Pound
Company Member
Local Investigating Committee

Ken Ball
Union Member
Local Investigating Committee

This grievance concerns the return to work of an employee who had been on the Workers' Compensation Payroll. The PRC discussed this case and noted the discussion and offers of settlement at Fact Finding. It was agreed to return this case to Fact Finding for resolution without prejudice to the position of either party.

Please provide one executed copy of the Memorandum of Disposition to the Pre-Review Committee for the file. The PRC retains jurisdiction should the Fact Finding Committee be unable to resolve this case.

Margaret Short

Margaret A. Short, Chairman
Review Committee

3/14/01

Date

Salim A. Tamimi

Sam Tamimi, Secretary
Review Committee

March-14-2001

Date

MEMORANDUM OF DISPOSITION
San Francisco Call Center Grievance No. 10913
Fact Finding Committee No. 10913

RECEIVED by LU 1245
Apr. 16, 2001

CASE CLOSED
FILED & LOGGED

Grievance Issue:

This case, which was returned by the Pre-Review Committee to the Fact Finding Committee for resolution, concerns the Grievant's return to work status while on Workers' Compensation, and whether or not Company should have allowed her to return to work based on her personal physician's recommendation or the Company evaluator's verbal release.

Discussion:

The Committee acknowledged that Company has the right to challenge medical releases to return to work that are submitted by the employee, regardless of whether the injury/illness is industrial or non-industrial. If the treating physician's opinion is in conflict with the Company's physician's, then it is appropriate to use an AME. The AME's opinion is binding on the parties. So, although the treating physician changed his opinion and released her, it was the AME's opinion that kept her off work. When Grievant contacted the AME shortly before her vocational rehabilitation and supplemental benefits expired and proclaimed herself to be cured, Company became suspicious and required that a physical exam be performed rather than relying on a verbal conversation with the AME. This process delayed her return to work until after her Workers' Compensation benefits had expired. The issue of this grievance is the delay in Grievant's return to work, for whatever reasons. Once the Company had satisfactory medical evidence that Grievant was physically able to return to work, she was immediately returned.

Decision:

The Fact Finding Committee agreed to an equity settlement to pay the grievant for lost wages from the date she was cut off of the Workers' Compensation payroll, February 20, 2000 until she returned to work on May 24, 2000. This case is closed without prejudice to the position of either party.

Ken Ball
Ken Ball, Sr. Business Rep.

concur/dissent

4-16-01
date

Carol Pound
Carol Pound, Sr. Labor Rel. Rep.

concur/dissent

3-27-01
date

[Signature]

concur

4/16/01