



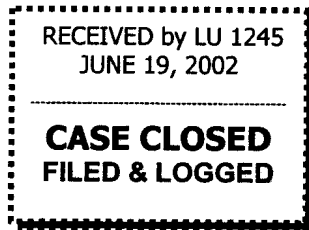
REVIEW COMMITTEE



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

MARGARET A. SHORT, CHAIRMAN

DECISION
LETTER DECISION
PRE-REVIEW REFERRAL



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

Pre-Review Committee No. 13161 Bulk Mail and Payment Processing Center - Fairfield

Rose Veridiano
Company Member
Local Investigating Committee

Arlene Edwards
Union Member
Local Investigating Committee

Subject of the Grievance

This grievance requests the reopening of Grievance # 12836 concerning the discharge of the grievant.

Facts of the Case

The grievant was discharged June 27, 2001 for failure to report for work. Grievant had been released to light duty from an industrial injury. Light duty work within his restrictions was available.

On October 16, 2001 the Fact Finding Committee agreed to close Grievance # 12836 without adjustment, but with the following provision:

“Should it be determined that the grievant had an industrial injury which would have precluded his return to work, Union reserves the right to file a new grievance within the contractual time limits.”

This grievance (# 13161) was filed December 18, 2001 requesting a reinstatement of the grievant.

Exhibit VI = WC reimbursement of expenses 5/27/01 - 10/3/01 via letter dated 11/9/01
Exhibit III = WC check for temporary disabilities 6/28/01 - 1/18/02 dated 1/28/02

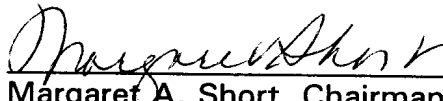
Discussion

It is clear on the basis of the above facts that no additional medical information has been presented to demonstrate grievant was unable to perform the light duty work from May 21, 2001 and June 27, 2001. Further, the grievance is not timely based on the November 9, 2001 communication and it predates the January 28, 2002 communication.

At PRC, Union provided Company a copy of an appeal filed by grievant's attorney with the Workers' Compensation Appeals Board. The appeal is filed "because of disagreement regarding liability for: Temporary disability indemnity, Permanent disability indemnity, Reimbursement for medical expense, Medical treatment, Compensation at proper rate, Rehabilitation, and All other rights and remedies provided by labor code." It was filed April 24, 2002.

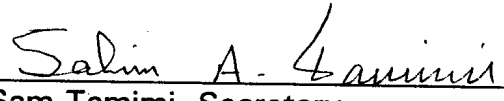
Decision

The PRC committee agrees to close this case without adjustment on the basis that the remedy sought by the grievant is in the proper forum, before the WCAB. Should the Board rule that the grievant was totally temporarily disabled between May 21, 2001 and June 27, 2001 or that he could not perform the available light duty work, then the PRC agrees to discuss the impact of the Board's decision on the termination and the grievant's future status. Should the parties not agree on a resolution, the termination issue may be pursued to arbitration.



Margaret A. Short, Chairman
Review Committee

6/20/02
Date



Sam Tamimi, Secretary
Review Committee

6-20-02
Date