

112.8: A Mtr. Rdr seeking restoration of sick leave. The Comm. is in agreement that the use of sick leave was appropriate in this instance and case closed.



## REVIEW COMMITTEE

**IBEW**



PACIFIC GAS AND ELECTRIC COMPANY  
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(925) 974-4282

MARGARET A. SHORT, CHAIRMAN

DECISION  
LETTER DECISION  
PRE-REVIEW REFERRAL

RECEIVED by LU 1245  
SEPT. 26, 2002

**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  
(925) 933-6060  
SALIM A. TAMIMI, SECRETARY

**Pre-Review Committee No. 13352**  
OM&C – Electric Operations - Auburn

Mary Cogan  
Company Member  
Local Investigating Committee

Phil Carter  
Union Member  
Local Investigating Committee

### Subject of the Grievance

This grievance seeks restoration of sick leave.

### Facts of the Case

On February 20, 2002 several employees approached the supervisor with concerns about the grievant's behavior on that day. They described the behavior as irrational and bizarre and were concerned about their safety and the security of the Auburn Control Center. The supervisor with a Shop Steward present interviewed the grievant and completed a Behavioral Observation form.

During this meeting, the grievant indicated he'd taken three prescription medications and drank several cups of coffee with no food intake. He admitted being impaired and not informing his supervisor. He also indicated he was having some personal problems and it was agreed that he would be placed on sick leave. Grievant was informed that Company would be scheduling a fitness for duty examination for him. He was released from work shortly after this meeting.

The first doctor, and AME (agreed medical examiner) the Company contacted declined to examine the grievant as he had been involved in prior cases with the grievant. The soonest an appointment could be made with another doctor was March 7, 2002. The doctor released the grievant to full duties contingent on grievant taking his medication at the prescribed therapeutic levels and under the appropriate conditions.

During the period the grievant was off work, he was in almost daily contact with his supervisor and Human Resources. During those conversations, the grievant agreed with the recording of his time as sick leave. The amount of time at issue is 96 hours.

Discussion

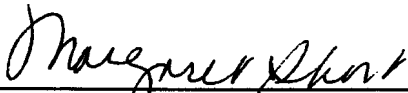
Union opined that Company did not follow the FFD guidelines as the grievant was not seen by the doctor on the day in question but was sent home as unfit and not seen by a doctor until a couple of weeks later. Company would not allow the grievant to return until he'd been cleared by a doctor; there was no medical verification that the employee was unable to work.

Company responded that the grievant admitted to being impaired on February 20; he was in constant contact with Company and Union during his absence, and during these discussions he indicated that he needed the time off and that sick leave was appropriate. The grievant did not provide any medical documentation to indicate he could work during the period in question. He has provided such documentation in the past.

The PRC noted that the grievant has since transferred from the OIT position he was in, to a Meter Reader. It was also noted that the grievant has been in five different lines of progression during his career.

Decision

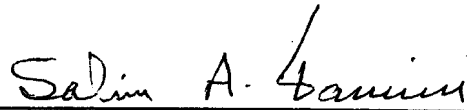
The PRC is in agreement that the use of sick leave was appropriate in this instance and closes this case without adjustment.



Margaret A. Short, Chairman  
Review Committee

9/26/02

Date



Sam Tamimi, Secretary  
Review Committee

9-26-02

Date