

REVIEW COMMITTEE DECISION

Review Committee File Number 219  
Payment of Supplemental Benefits to Laid-off Employee  
San Francisco Division Grievance Number 103

Subject of the Grievance

Grievant, employed as a Helper in the San Francisco Division Gas Meter Shop, was notified on November 4, 1959 that he, along with other Meter Shop employees, was to be laid off on November 13, 1959 as a result of a reduction in the Gas Meter Shop operation. On November 10, he was struck by a Company vehicle at a Company parking lot at 18th and Shotwell Streets. Injuries received as a result of this accident prevented him from returning to work before the layoff became effective on November 13.

Grievant received supplemental benefits as provided in Section 108.1 of the Agreement from the date of injury up to and including November 13, 1959. Supplemental benefits have not been paid grievant subsequent to his layoff. The grievance requests that he be paid supplemental benefits from the date of injury until he has recovered from the temporary disability and is able to resume work. No agreement being reached as to disposition, the Division Joint Grievance Committee referred it to Review.

Statement and Decision

Title 108.1 of the Agreement provides that supplemental benefits will be paid employee who is absent from work by reason of an injury which comes within the application of Workmen's Compensation and Insurance Chapters of the State Labor Code. The intent of this Section is to provide an income during this period of temporary disability that would be comparable to the employee's wage had he been able to continue work. We are of the opinion that an employee who has been given notice of layoff, or that his employment is to be terminated for other reasons, and who is thereafter injured as to be eligible for Workmens Compensation Benefits is not entitled to receive supplemental benefits after his employment terminates. However, for the purposes of Title 108 an employee who, before he is notified of layoff or termination, is injured and thereby eligible to receive supplemental benefits shall continue to receive such benefits when his temporary disability extends beyond the date of his termination.

In view of the foregoing, and as the employee had received notice of layoff before he was injured, he is not entitled to receive supplemental benefits after the date his employment was terminated.

FOR THE UNION

Kenneth Stevenson  
W. M. Fleming  
L. L. Mitchell

By L. L. Mitchell  
Date Dec 21, 1960

FOR THE COMPANY

E. F. Sibley  
C. L. Yager  
V. J. Thompson

By V. J. Thompson  
Date October 26, 1960