

# REVIEW COMMITTEE

**PG and E**

PACIFIC GAS AND ELECTRIC COMPANY  
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(415) 781-4211, EXTENSION 1125

**IBEW**



INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS, AFL-CIO  
LOCAL UNION 1245, I.B.E.W.  
P.O. BOX 4790  
WALNUT CREEK, CALIFORNIA 94596  
(415) 933-6060  
L.N. FOSS, SECRETARY

D.J. BERGMAN, CHAIRMAN

- DECISION  
 LETTER DECISION  
 PRE-REVIEW REFERRAL

General Construction Grievance Nos. 3-133-77-4,  
3-134-77-5 and 3-178-77-49  
P-RC 308, 309 and 310  
Demotion of Helper; Qualification For Supplemental  
Benefits; and Reinstatement of Employee From  
Leave of Absence

June 23, 1977

MR. C. GORDON SPARROWE, Chairman  
General Construction  
Joint Grievance Committee

The above-subject grievances have been discussed by the Pre-Review Committee prior to their docketing on the agenda of the Review Committee and are being returned to the Joint Grievance Committee for further discussion and information, and in some cases, for settlement.

Grievance No. 3-133-77-4 (P-RC 308)

The Pre-Review Committee is not certain as to the issue in dispute in that the Joint Statement of Facts is incomplete. Therefore, the following information is requested before the case will be docketed by the Review Committee:

1. The employment history of the grievant.
2. (a) The record seems to indicate that he is suffering from reoccurring episodes of hyperventilation; if this is so, to what extent?  
  
(b) Additionally, the record indicates that this problem is not industrially related; if that is the case, why was he placed on the Workers' Compensation payroll?
3. What are the grievant's residual disabilities in view of his permanent and stationary rating?

With regard to the foregoing, the Joint Statement of Facts indicates that from December 27, 1976, to his demotion on January 6, 1977, he was incapacitated as a result of an alleged industrial injury (the industrial problem); with that being the case, it appears that supplemental benefits would be in order during this period of time. As to his rights relative to Title 108 of the Physical Labor Agreement, the Review Committee is not in a position to make that determination until such time

June 23, 1977

as a final ruling has been determined by the Workers' Compensation Appeals Board. To that end, the Joint Grievance Committee should retain jurisdiction and upon final determination of the industrial disability, apply the guidelines established in Review Committee Decision Case No. 1200.

Grievance No. 3-134-77-5 (P-RC 309)

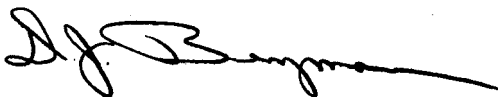
This issue is not new to the Review Committee, and as a result of Review Committee Decision Case No. 219 (attached), the Joint Grievance Committee should again review the case and resolve the grievance consistent with the guidelines established in the above-mentioned Decision, as the Joint Statement of Facts indicates that the grievant was industrially injured prior to the notice of his layoff.

Grievance No. 3-178-77-49 (P-RC 310)

The Joint Statement of Facts is incomplete, and the following information is necessary before the Review Committee will docket the case:

1. The classification and the employment history of the grievant.
2. The nature and extent of his disability, including the Workers' Compensation findings as to the residual disabilities.
3. The grievant's entitlements pursuant to the Benefit Agreement, if any.

Once the Joint Grievance Committee has completed their investigation, the Committee should also consider the grievant's status on September 10, 1976, in view of the Workers' Compensation ruling and determine if on that date he was physically capable of returning to his former classification. If not, what justification would there be to bridge his service to February, 1977, when the Labor Agreement, specifically, Title 101, provides for a leave of absence not to exceed 12 months?



D. J. BERGMAN, Chairman  
Review Committee



L. N. FOSS, Secretary  
Review Committee

DJB:rto  
Attachment

cc: CHSedam  
IWBonbright  
LVBrown  
HGCooke

MINUTES OF THE  
GENERAL CONSTRUCTION JOINT GRIEVANCE COMMITTEE MEETING 394  
JULY 21, 1978

Committee Members - Local 1245 IBEW

Don Findley - Chairman  
Ray Friend  
Jan McCracken  
Bill Twohey

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Committee Members - Pacific Gas and Electric Company

W. Funabiki - Chairman  
R. S. Bain  
H. Colburn (for J. W. Woodward)  
R. F. Irons  
W. M. Stubblefield

Representing Local 1245 IBEW

Edward Fortier - Business Representative  
Roger Stalcup - Business Representative

Representing Pacific Gas and Electric Company

H. G. Cooke - Manager, General Construction Personnel  
J. A. Cates - Personnel Representative

The meeting opened at 9:35 a.m. The minutes of the June 16 meeting had been read by all present and the following correction was made: Grievance 3-133-77-5 should have been 3-133-77-4.

CORRESPONDENCE

Received letter dated June 19, 1978 from Mr. Dean Cofer appointing Terry Lawson as Shop Steward.

Received letter dated June 29, 1978 from Mr. Dean Cofer notifying Company that Business Representative Ed Fortier has returned to work and has resumed the duties of servicing Union members in General Construction.

Received letter dated July 13, 1978 from Mr. Dean Cofer appointing Bob Terry as a Shop Steward.

UNFINISHED BUSINESS

\* PRC 308  
Gr. 3-133-77-4 (Gas) - Alleged Qualifications for Section 108.2 Rights  
(Also see pages 1033, 1063, 1073, 1075, 1079, 1083, 1086, 1091, 1096, 1101, 1107 and 1111)

This Grievance was referred to the Review Committee on March 4, 1977. The case was returned to the Joint Grievance Committee on June 23, 1977, with the instruction that the Committee should retain jurisdiction until a final ruling is determined by the Workers' Compensation Appeals Board. In addition, the Pre-Review Committee stated that it appeared the Grievant was due supplemental benefits from December 27, 1976 to January 6, 1977 for his alleged industrial injury. The Union offered to settle the case if supplemental benefits were paid the Grievant for

(UNFINISHED BUSINESS con't)

that period. The Union stated it was their understanding the Workers' Compensation Appeals Board is not intending to render a decision on the Grievant's claim. Company accepted Union's offer of settlement. Case closed.

D.Gr/C 3-163-77-34 (P-RC 321) (Gas) - Alleged Bypasses for Working Foreman B  
(Also see pages 1036, 1046, 1055, 1086, 1091, 1096, 1101, 1107 and 1111)

Held over.

Gr. 3-353-78-4 (Gas) - Alleged Bypass for Heavy Truck Driver Position  
(Also see pages 1107 and 1111)

Held over because the Grievant has been unavailable for interview.

Gr. 3-354-78-5 (Line) - Alleged Bypass of Apprentice Lineman  
(Also see pages 1107 and 1111)

Six of the Grievants now have been promoted to Lineman. One Grievant no longer works for the Company. Six Grievants stated they were not qualified at the time they were bypassed. The remaining Grievant was not a top step Apprentice on the date of the bypass. Case closed.

Gr. 3-362-78-13 (Gas) - Time Off for Funeral  
(Also see pages 1103, 1108 and 1111)

Union withdrew Grievance. Grievant failed to provide the Committee with the necessary documentation. J.G.C. time limits on this case have expired.

Gr. 3-372-78-23 (Gas) - Reprimand Letters  
(Also see pages 1103, 1108 and 1111)

Company agreed to grant the correction asked for. Case closed.

Gr. 3-377-78-28 (Gas) - Alleged Bypass for Working Foreman A  
(Also see pages 1104, 1108 and 1111)

Held over by J.G.C. Subcommittee.

Gr. 3-379-78-30 (Line) - Demotion from Working Foreman to Painter  
(Also see pages 1104, 1108 and 1111)

Held over by J.G.C. Subcommittee.

Gr. 3-383-78-34 (Gas) - Time Lost Due to Inclement Weather  
(Also see pages 1109 and 1112)

Held over by J.G.C. Subcommittee

Gr. 3-384-78-35 (Gas) - Time Lost Due to Inclement Weather  
(Also see pages 1109 and 1112)

Held over by J.G.C. Subcommittee