

REVIEW COMMITTEE



PG and E

PACIFIC GAS AND ELECTRIC COMPANY
245 MARKET STREET, ROOM 444
SAN FRANCISCO, CALIFORNIA 94108
(415) 781-4211, EXTENSION 1125

**CASE CLOSED
LOGGED AND FILED**

RECEIVED MAY 13 1980

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

General Construction Grievance No. 3-178-77-49
P-RC 310
Reinstatement of W. L. McCaskill

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

May 9, 1980

MR. R. S. BAIN, Chairman
General Construction
Joint Grievance Committee

Statement of the Case

This case involves the termination of a General Construction employee on May 28, 1976. A grievance protesting his termination was filed with the Company on February 14, 1977.

Decision

The grievance was not filed within the time limits provided in Title 102 and is, therefore, dismissed without adjustment.

E. V. BROWN
For the Company

L. N. FOSS
For the Union

LVB(1165):rto

- | | | | |
|---------------|--------------|--------------|--------------------|
| cc: GSBates | MEBadella | NRFarley | CPTaylor |
| IWBonbright | LVBrown | CAMiller | Division Personnel |
| LCBeanland | FCBuchholz | JBStoutamore | Managers |
| JACates/DKLee | RHCunningham | WKSnyder | |

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IBEW



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- DECISION
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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)

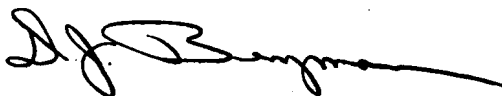
This issue is not new to the Review Committee, and as a result of Review Committee Decision Case No. 219 (attached), the Joint Grievance Committee should again review the case and resolve the grievance consistent with the guidelines established in the above-mentioned Decision, as the Joint Statement 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