

REVIEW COMMITTEE

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IBEW



PACIFIC GAS AND ELECTRIC COMPANY
245 MARKET STREET, ROOM 444
SAN FRANCISCO, CALIFORNIA 94106
(415) 781-4211, EXTENSION 1125

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 No. 3-218-77-89
P-RC 374
Forced to Take Leave of Absence, MEOB

January 26, 1979

MR. W. FUNABIKI, Company Member
General Construction
Local Investigating Committee

MR. W. E. HARRIS, Union Member
General Construction
Local Investigating Committee

Statement of the Case

The grievant has been employed for approximately seven years in the Gas Construction Department working in various classifications from Helper to Miscellaneous Equipment Operator B. In 1974, he suffered an industrial injury and was later involved in an automobile accident. As a result, the employee has been off the active payroll for a considerable period of time and last returned to the payroll as a Miscellaneous Equipment Operator B on July 8, 1976. Thereafter, he was demoted to Helper because of lack of work not associated with his previous injuries. Shortly thereafter, he was again promoted to Miscellaneous Equipment Operator B.

Following complaints on the part of the employee, he was examined by a Company panel physician. The physician's report dated March 23, 1977, indicated that the employee was not then capable of performing heavy work. He was placed on sick leave involuntarily and was absent from work from April 4, 1977, to March 29, 1978.

He was re-examined by the panel physician on January 11, 1978, and notwithstanding the recommendation of his personal physician, the panel physician concluded that he regarded the grievant "...as being an unsuitable candidate for heavy manual labor." Lastly, on March 13, 1978, he was further examined at Company's request by a Doctor Touton, who, after examining the grievant and reviewing his previous medical records, determined he could return in a position requiring heavy work.

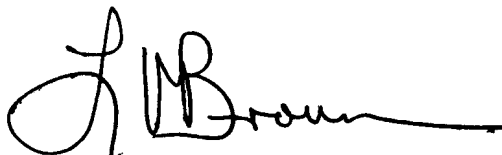
Mr. W. Funabiki, Company Member
Mr. W. E. Harris, Union Member

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December 13, 1978

Decision

A review of the record by the Review Committee raises perhaps as many questions as answers. The Committee, however, is not competent to dispute the findings of qualified medical doctors. As to the grievant's qualifications to perform the work of a Miscellaneous Equipment Operator B, the Committee concludes that work usually required by a Miscellaneous Equipment Operator B falls in the category of heavy work as referred to in Dr. Doane's report of March 23, 1977, and until the grievant was cleared for that kind of assignment by Dr. Touton's report of March 17, 1978, the Committee cannot grant the correction requested.



L. V. BROWN
For the Company



L. N. FOSS
For the Union

LVB:amc

cc: RSBain
JACates