

**REVIEW COMMITTEE****PG and E**

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**IBEW** 

INTERNATIONAL BROTHERHOOD OF  
 ELECTRICAL WORKERS, AFL-CIO  
 LOCAL UNION 1245, I.B.E.W.  
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 (415) 933-6060  
 R.W. STALCUP, SECRETARY

**CASE CLOSED  
 LOGGED AND FILED**

D.J. BERGMAN, CHAIRMAN

MAY 8 1981

- DECISION  
 LETTER DECISION  
 PRE-REVIEW REFERRAL

General Construction Grievance No. 3-814-80-99  
 P-RC 583

May 7, 1981

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

Statement of the Case

The grievant, a Lineman, in General Construction, received an industrial injury June 8, 1976. The record notes that he was sporadically returned to light duty until April 3, 1979. Since then, the grievant was enrolled in an outside rehabilitation program. The rehabilitation program and temporary disability payment ended April 28, 1980 when he began receiving permanent disability advances. Coincident with that date also his supplemental wage benefit payments, pursuant to Title 108, terminated. Later on November 13, 1980, the grievant was returned to the Worker's Compensation temporary disability payroll. Supplemental benefit payments were reinstated at that time.


Discussion

The grievance issue, in this case, concerns the employee's demand for supplemental benefits during the period of April 28 to November 13, 1980. The provisions of Title 108.1 of the Physical Labor Agreement in this regard have been discussed at length in earlier Review Committee Decisions. Suffice it to note here that supplemental benefit payments hinge on the employee's receiving temporary Worker's Compensation disability benefits. In turn, entitlements to the temporary disability payments, is a matter provided by State Law and determined by the State Agency. We understand that the grievant has not appealed to the Worker's Compensation Bureau as to the termination of Worker's Compensation Disability payments for the period in question. Therefore, absent such a determination, supplemental benefits are not payable pursuant to the provisions of the Labor Agreement.

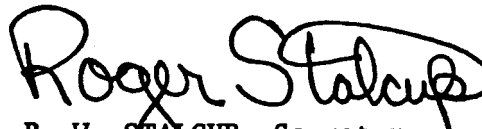
While not an issue before this Committee, it is our understanding that the grievant has been offered the appropriate forms but has not applied for Long Term Disability. Whether he would be eligible for Long Term Disability payments for the period in question is not a matter that this Committee can decide. The purpose here is to merely point out that the grievant does have the right to make such an application for adjudication under the procedures established in the negotiated Long Term Disability Plan.

Decision

The grievant's request for supplemental benefits for the period of April 28 to November 13, 1980 is denied.



D. J. BERGMAN, Chairman  
Review Committee



R. W. STALCUP, Secretary  
Review Committee

LVBrown(1165):ml

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