

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

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

**CASE CLOSED** JUN 2 1981  
**LOGGED AND FILED**

**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  
R.W. STALCUP, SECRETARY

**RECEIVED JUN - 2 1981**

D.J. BERGMAN, CHAIRMAN

- DECISION  
 LETTER DECISION  
 PRE-REVIEW REFERRAL

Sacramento Division Grievance No. 6-105-80-4  
P-RC 592

June 1, 1981

MR. S. LORENCE, Company Member  
Sacramento Division  
Local Investigating Committee

MR. A. SANDOVAL, Union Member  
Sacramento Division  
Local Investigating Committee

The above-subject grievance has been discussed by the Pre-Review Committee prior to its docketing on the agenda of the Review Committee and is being returned, pursuant to Step Five A(ii) of the Review Committee procedure to the Local Investigating Committee for settlement in accordance with the following:

This case involves the question of whether or not a Helper, Sacramento Division, Gas T&D Department, was required to leave the employment of PGandE due to a physical disability and, therefore, entitled to an allowance for unused sick leave under the provisions of Section 112.9 of the Physical Agreement.

The grievant sustained an industrial injury on January 6, 1978. During the next two years, he was on and off Compensation Payroll with final settlement and award being noted in a letter from Safety, Health and Claims dated February 7, 1980. On February 22, 1980, the grievant's employment was terminated, and the grievant became involved in outside rehabilitation. The Union's argument is that the employee was discharged, that is, required to leave the employment of PGandE, and therefore, entitled to the sick leave payoff provisions of Section 112.9. The Company has argued that the grievant resigned to accept outside rehabilitation and was, therefore, not entitled to the sick leave allowance.

After considerable discussion, the Committee concludes that the facts and evidence contained in the record are not clear as to either the Company requiring the employee to leave or that the employee in fact resigned to accept outside rehabilitation. On that basis, the Committee agrees to an equity settlement in an effort to resolve this case and notes that the employee at the time of his termination from the Company had seven days of paid sick leave remaining. The Committee, therefore, agrees that he will be paid an allowance equal to 3½ days of the sick leave he had accumulated.

This case is considered closed on the basis of the foregoing and the adjustment provided herein, and the closure should be so noted by the Local Investigating Committee.

  
D. J. BERGMAN, Chairman  
Review Committee

  
R. W. STALCUP, Secretary  
Review Committee

PEPettigrew(1123):ml

cc: SEHowatt	IWBonbright	NRFarley	CPTaylor
MEBadella	LVBrown	CAMiller	RCTaylor
LCBeanland	FCBuchholz	JBStoutamore	Division Personnel Managers
LBlandford	RHCunningham	WKSnyder	