

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

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

CASE CLOSED JUN 17 1981
LOGGED AND FILED

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

D.J. BERGMAN, CHAIRMAN

RECEIVED JUN 16 1981

- DECISION
 LETTER DECISION
 PRE-REVIEW REFERRAL

San Jose Division Grievance No. 8-470-80-57
 P-RC 609

June 15, 1981

MR. L. WEST, Company Member
 San Jose Division
 Local Investigating Committee

MR. R. L. THOMSON, Union Member
 San Jose 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 grievance procedure, to the Local Investigating Committee for settlement in accordance with the following:

This case concerns the termination of a Lineman in San Jose who, after becoming stationary and rateable following an industrial injury, refused work offered by the Company which was within his physical capabilities to perform.

The grievant, while working sustained an injury to his back on July 18, 1978. He was examined and treated by several doctors and on March 16, 1979 considered stationary and rateable by Dr. F. H. Newton (Company panel physician). In his report, Dr. Newton indicated that the grievant was capable of returning to work with a preclusion from very heavy lifting. On April 23, 1979 he was returned to work on light duty and shortly thereafter assigned the duties of an Inspector. The grievant was unable to perform the work of that classification because of the discomfort he experienced getting in and out of the vehicle.

On July 11, 1979 he was offered an appointment to Street Light Maintenceman and informed that if he did not accept, then outside rehabilitation would be the alternative.

On July 13, 1979 the grievant provided a note from his personal treating physician, Dr. Scott, which indicated he was not capable of performing any work involving extension of the neck or back. On this same date, the grievant declined the Street Light Maintenceman offer.

On July 23, 1979, panel physician, P. Mandell, M.D., issued a report confirming that the grievant was capable of performing the duties of a Street Light Maintenceman. Subsequently, arrangements were made between the grievant's attorney and the Safety, Health and Claims Department for the grievant to be examined by an Agreed Medical Examiner, Dr. Geiger. In September 1979, Dr. Geiger concurred with Drs. Newton and Mandell that the grievant was stationary and rateable, precluded from very heavy lifting and capable of performing the duties of Street Light Maintenceman.

June 15, 1981

Inasmuch as the grievant declined placement in a classification within his ability to perform as confirmed by an Agreed Medical Examiner after being found stationary and rateable, his only options were outside rehabilitation and/or applying for Long Term Disability. Based on the fact that he did not apply for Long Term Disability and accepted outside rehabilitation, the Committee agreed that the discharge was for just and sufficient cause.

This case is closed.

D. J. BERGMAN, Chairman
Review Committee


R. W. STALCUP, Secretary
Review Committee

MAShort(6274):ml

cc: VHLind
MEBadella
LCBeanland
MEBennett
IWBonbright
LVBrown
FCBuchholz
RHCunningham
NRFarley
DOKabayashi
JBStoutamore
WKSnyder
LSilton
CPTaylor
RCTaylor
Division Personnel Managers