

## 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** MAR 10 1982  
**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** MAR 10 1982

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

San Francisco Division Grievance No. 2-611-81-24  
P-RC 709

March 8, 1982

MR. G. D. LAWSON, Company Member  
San Francisco Division  
Local Investigating Committee

MR. F. A. SAXSENMEIER, Union Member  
San Francisco 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(i) of the grievance procedure, to the Local Investigating Committee for settlement in accordance with the following:

This case concerns the appointment of a Traveling Helper, Potrero Power Plant, to a Utility Clerk Operating. The grievant sustained an industrial injury to his back on March 2, 1979. He subsequently alternated between the Compensation Payroll and light duty as a Traveling Helper until March 9, 1981. At that time, Company appointed him to the aforementioned Utility Clerk classification because of various medical reports which indicated that working as a Helper may aggravate a pre-existing non-industrial heart condition.

On March 4, 1981, the grievant was examined by Dr. A. A. Swartz (report dated April 7, 1981). Dr. Swartz found the grievant's back condition to be permanent and stationary and that he could resume his duties as a Helper "based upon his orthopedic condition." Dr. Swartz did not offer an opinion as to the grievant's ability to return to Helper relative to his cardiac status.

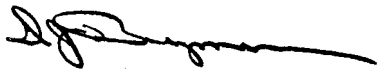
The Local Investigating Committee selected Dr. R. H. Roseman as an agreed to Medical Examiner to resolve the question of whether or not the grievant should be allowed to return to Traveling Helper. Dr. Roseman examined the grievant on May 29, 1981, and reported, in part, that: "His cardiac status may remain the same for a very long period of time ... From the description of the work that he would be required to do as a Helper, I do believe that he can return to this work at this time..."

At issue in this case is whether or not it is appropriate for Company to remove an employee from a classification because of the potential for industrial injury. Without answering that question for all future cases where the facts may be somewhat different, the Pre-Review Committee agreed that at the point in time that the grievant was removed from the Helper classification (March 9, 1981), he was not physically precluded from performing the duties of a Helper and, therefore, his appointment to Utility Clerk was inappropriate.

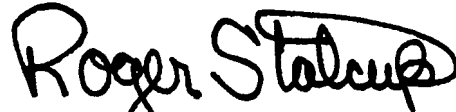
The grievant worked and was paid as a Utility Clerk from March 9 to March 17, 1981, and from April 27 to August 31, 1981. For those periods, he is to be compensated at the appropriate Helper rate as provided in Section 108.2 of the Physical Agreement.

The grievant has been on Compensation Payroll since September 1, 1981 as a result of continued back pain. If he is ever released from the industrial injury to return to full duties and is physically capable, he will be returned to Helper. Further, he will be examined annually by a cardiologist to monitor his heart condition.

This case is considered closed on the basis of the foregoing and the adjustments 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

MAShort(6274):ml/rlm

cc: JAFairchild  
LCBeanland  
IWBonbright  
FCBuchholz  
RHCunningham  
NRFarley  
TDMacWilliams  
DAOkabayashi  
TCPhebus  
WKSnyder  
JBStoutamore  
CPTaylor  
CEWelte  
Division Personnel Managers