

REVIEW COMMITTEE



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

NOV 19 1985
**CASE CLOSED
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
B.W. STALCUP, SECRETARY

RECEIVED OCT 29 1985

D.J. BERGMAN, CHAIRMAN

General Construction Grievance No. 3-1357-84-89
P-RC 1023

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

October 25, 1985

MR. R. S. BAIN, Chairman
General Construction
Local Investigating Committee

MR. BARRY HUMPHREY, Chairman
General Construction
Local Investigating Committee

Issue

This grievance concerns an allegation that an Equipment Mechanic was improperly placed on a medical leave of absence.

Facts of the Case

Approximately one month prior to his employment date with the Company, the grievant suffered an injury while working for his previous employer. At the time of his hire on March 6, 1978, the grievant was suffering from some dizzy spells and minor seizures as a result of having driven a nail through his skull near the right eye puncturing the brain. Supervision was aware of the grievant's condition at the time of his hire. On May 7, 1982, the grievant was placed on a medical leave of absence, and subsequently on Long Term Disability, to recover from surgery related to his head injury. On January 3, 1984, the grievant returned to work from Long Term Disability. Accommodations were made for the grievant's work restrictions of prohibiting wearing a hard hat or face shield, working in extensive heat, continual bending or stooping, working at unprotected heights, and operating or driving Company equipment.

In October of 1984, according to his Foreman, the grievant complained of experiencing dizzy spells when bending for prolonged periods or when working in heat. As a result of this and the Company's belief that a reduction in manpower made it no longer feasible to accommodate the grievant, he was placed on a medical leave of absence on October 29, 1984.

On November 13, 1984, the grievant was examined by Dr. Guisado, his neurologist. At that time, Dr. Guisado lifted the grievant's driving and climbing limitations and stated of the grievant that "the only current limitations, as far as I can ascertain, are working at unprotected heights, and his inability to wear a band or other tight object around the head, due to the presence of the scalp plate, which will become swollen and tender upon pressure. Other than this, I think that he should be able to perform regular activities at work." This was reaffirmed by Dr. Guisado on December 11, 1984, when filling out a certificate for Pacific Service Employees' Wage Benefit. Dr. Guisado stated that the grievant was able to perform his regular work. On the basis of this information, the grievant was denied wage disability.

October 25, 1985

On February 25, 1985, the grievant was sent to a Company panel physician, Dr. Paul, who recommended the grievant for return to work with the restrictions of no prolonged stooping or bending over, and cannot wear headgear. The grievant had been returned to work for three days when this report was received and he was returned to leave of absence.

The grievant was examined on April 29, 1985 by Dr. Newton, another panel physician. Dr. Newton concluded that he could not make a definitive determination on the grievant's suitability for work until he had access to Dr. Guisado's records. Until that time, Dr. Newton recommended that the grievant not drive or operate equipment, climb ladders or be at unprotected heights. Dr. Newton added that he did not see why the grievant could not do mechanic bench work or other similar activities.

Dr. Guisado again sent a progress report on the grievant to the Company on June 6, 1985 that concluded the grievant "remains fully able to return to work, and the only limitation remains that of wearing a hard hat." This was reiterated by Dr. Guisado on July 15, 1985, with the additional information that the grievant has some "intermittent positional lightheadedness, which does not interfere with his work activities, but it would be safest for him not to work at unprotected heights."

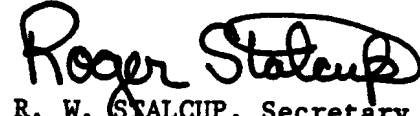
Dr. Newton received Dr. Guisado's medical reports on the grievant in August, 1985. Upon examining this information, Dr. Newton concluded on August 22, 1985 that "the record would suggest that if (the grievant) maintained regular anticonvulsant coverage, he probably would remain seizure free. In such a circumstance, he would not need to have any work restriction in terms of driving or being at heights, providing that Company policies allowed for those activities in a patient with a controlled seizure disorder."

Decision

In discussion of this case, the Committee noted that no medical opinion was relied upon by the Company in placing the grievant on a leave of absence on October 29, 1984. In fact, none of the medical reports obtained subsequent to the grievant being placed on leave indicate that the grievant was unable to return to work. In addition, Dr. Guisado's November 15, 1984 report removes almost all of the restrictions that had previously been placed on the grievant. The Committee agreed that with this information in hand, the Company should have returned the grievant to work the first workday following the receipt of Dr. Guisado's report. This being the case, the grievant will be returned to work as an Equipment Mechanic in Oakland. In accordance with the medical reports, the grievant is expected to perform the full duties of the classification with the exception of accommodation for hard hat and face shield protection. In addition, the grievant must maintain prescribed levels of anticonvulsant medication. So long as grievant continues to be examined by Dr. Guisado or other professional medical provider for his 1978 head injury, verification of prescribed anticonvulsant coverage must be provided to the Company by the grievant following the examinations. The grievant will receive a retroactive wage adjustment to November 26, 1984, the first workday following the Company's receipt of Dr. Guisado's November 19, 1984 report, until he is returned to work, less any Long Term Disability, Wage Benefit, PSEA disability payments, and outside earnings received during that period.

With this adjustment, this case is closed and such closure should be noted in the minutes of the Joint Grievance Committee.


D. J. BERGMAN, Chairman
Review Committee


R. W. STALCUP, Secretary
Review Committee

RRDoering(1408):sc