

REVIEW COMMITTEE

PG and E

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

D.J. BERGMAN, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

**CASE CLOSED
LOGGED AND FILED**

DEC 14 1987

RECEIVED DEC 10 1987

San Joaquin Division Grievance No. 25-969-86-131
P-RC 1229

December 9, 1987

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

RICK KANGAIL, Company Member
San Joaquin Division
Local Investigating Committee

RICHARD DUNKIN, Union Member
San Joaquin 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 5A(ii) of the grievance procedure, to the Local Investigating Committee for settlement in accordance with the decision.

Subject of Grievance

Discharge for refusal to return to work.

Facts of the Case

The grievant, a Troublemaker in Bakersfield, had 29 years of service. The grievant suffered an industrial back injury in March of 1986 and was on the Worker's Compensation Payroll from May 28, 1986 until November 24, 1986. He was released by Dr. C. O. Alade to return to light duty work which was available in his headquarters.

The grievant refused to return to work and was subsequently reexamined by Dr. Alade and by Drs. K. Jennings and W. B. Christiansen, who following separate examinations, agreed that the grievant could perform the available light duty.

The grievant refused to report for the light duty work on November 24, December 3, December 10 and December 15. Grievant was notified of his discharge on December 16.

Discussion

The Committee agreed that the facts of the case were as stated. The grievant refused to report for light duty for which he had been released.

The Union argued that since the grievant had 29 years of service and no previous history of discipline, he should be given another opportunity to return to light duty.

The Company argued that the grievant's long service and good record were taken into account when Company gave him four opportunities to report for work prior to discharging him.

Settlement

Upon review of all the arguments, the Committee determined that the grievant had, in fact, made himself unavailable for employment and was properly discharged for just cause.

Based on the foregoing, this case is closed without adjustment.



DAVID J. BERGMAN, Chairman
Review Committee



ROGER W. STALCUP, Secretary
Review Committee