

105.1 - Long term physical
107.1 therapy following
industrial injury.



REVIEW COMMITTEE

SEP 20 1990

IBEW



PACIFIC GAS AND ELECTRIC COMPANY
215 MARKET STREET, ROOM 916
SAN FRANCISCO, CALIFORNIA 94106
(415) 973-1125

**CASE CLOSED
LOGGED AND FILED**

RECEIVED SEP 20 1990

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

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

Mission Division Grievance No. EB-MI-36-92-89-38-10
P-RC 1408

August 30, 1990

JOE DeMARTINI, Company Member
Mission Division
Local Investigating Committee

DEAN GURKE, Union Member
Mission Division
Local Investigating Committee

Subject of the Grievance

This grievance was filed when Company would not allow a Service Operator to continue swimming (therapy for an industrial back injury) on Company time.

Facts of the Case

The grievant suffered industrial back injuries in 1962 and in 1976. He had surgery in early 1980 and returned to work in July. For the next nearly seven years the grievant was allowed to go after lunch to swim for an hour. When a new Service supervisor arrived in March 1987, he told the grievant he would have to continue his therapy outside working hours. A grievance was filed at that time but later withdrawn when the grievant reinjured his back in August 1987 and was placed on the Compensation Payroll until January 1988.

When the grievant returned to work in January 1988, another grievance was filed alleging that the grievant should be allowed to continue swimming during working hours.

In order to settle the grievance, minimize the disruption, length and frequency of time away from the job, Company agreed to "allow the grievant to leave 1/2 hour early on Monday, Wednesday, and Thursday of each week for the sole purpose of completing his maintenance program" (emphasis added).

The grievant again had surgery in June 1988 and was on Compensation Payroll until June 1989. Upon his return to work with a release for full duty, the supervisor informed the grievant that he would have to swim on his own time, noting that the pool was open from 5:00 a.m. until 10:00 p.m. The Union then filed this grievance, citing the earlier settlement.

Discussion

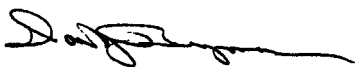
The Committee noted that the grievant had been involved in on-going maintenance therapy for an extended period; that the therapy was not temporary; and that the services were available during non-work hours.

August 30, 1990


The Committee recognizes that when therapy is recommended on a maintenance versus temporary basis that it may be appropriate to deny the employee time off for such therapy when it is available outside of regularly scheduled work hours.

Decision

Based on the facts and the foregoing discussion, the Pre-Review Committee agrees to close this case without adjustment. Such closure should be so noted by the Local Investigating Committee.



DAVID J. BERGMAN, Chairman
Review Committee



ROGER W. STALCUP, Secretary -
Review Committee

MAShort(223-1123):nj