



# REVIEW COMMITTEE

7.1 -Just cause for discharge. Grievant exhibited "strange behavior" during rehab job interview, was terminated w/o fitness for duty exam Reinstated on LTD.

## IBEW



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

JUN 28 1991

**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  
R.W. STALCUP, SECRETARY

D.J. BERGMAN, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

RECEIVED JUN 25 1991

San Francisco Division Grievance No. GG-SF-42-02-90-83-51  
P-RC 1507

SANDY COOPER, Company Member  
San Francisco Division  
Local Investigating Committee

ED CARUSO, Union Member  
San Francisco Division  
Local Investigating Committee

Subject of the Grievance:

This case concerns the discharge of a Gas Helper who reported to an interview allegedly in an unfit manner.

Facts of the Case:

The grievant was on the Worker's Compensation Payroll as a result of industrial injury. After several years, his condition became stationary and rateable, and he was precluded from returning to the Helper classification. In an effort to find internal placement, Company scheduled an interview for a Customer Services Utility Clerk position.

The Local Investigating Committee Report contains testimony from several witnesses who encountered the grievant on the date of the interview as to his apparently abnormal behavior. The reason for the grievant's behavior was not determined as he was not sent for a fitness for duty examination. He stated that he was not feeling well and that was the reason for the strange behavior. Due to the grievant's condition, Company was unable to offer the Utility Clerk position and cited Section 2.19 of the Benefit Agreement which states that an employee will not be eligible for Long Term Disability Benefits at such time as the Company is able to offer a position within the employee's physical and mental limitations.

Discussion and Decision:

The parties discussed this case at length without coming to a conclusion as to the just cause of the discharge. However, the grievant had applied for Long Term Disability and while this case was being processed, his application was approved. The grievant's placement on Long Term Disability, renders this case moot and it is therefore closed without prejudice to the position of the parties. 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):wb