



REVIEW COMMITTEE

7.1 -Management rights.

Forced Medical Clarification for empl involved in 2 recent accidents.

IBEW



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

DEC 30 1991

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

**CASE CLOSED
LOGGED AND FILED**

D.J. BERGMAN, CHAIRMAN

RECEIVED DEC 20 1991

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

General Construction Grievance No. 3-2194-91-19
P-RC 1539

December 9, 1991

BYRON TOMLINSON, Company Member
G.C. Joint Grievance Committee

BARRY HUMPHREY, Union Member
G.C. Joint Grievance Committee

Subject of the Grievance:

The Company forced a Backhoe Operator to comply with a Medical Clarification.

Facts of the Case:

On February 13, 1991, the grievant was removed from operating any equipment as a result of a recent investigation of an avoidable accident. The supervisor removed the grievant from the equipment until a medical clarification could be obtained to determine if the grievant could safely operate the equipment.

The supervisors had met with the grievant to discuss their concerns. The grievant has 25 years with the Company and is at the DML step in positive discipline as a result of a previous accident. The grievant felt his job was in jeopardy and this was his only way out (medical clarification).

Discussion:

Union argued that the grievant did not voluntarily go to the doctor; that the grievant was not required to go to the doctor; that the Company should have solicited the help of an EAP counsellor.

Company argued that there was no violation of the Agreement; that this was not a disciplinary case; that the concern was for the safety of the grievant as well as his fellow employees.

Disposition:

Given the facts in this case, it is agreed that there was no violation.

This case is closed without adjustment and such closure should be so noted in the minutes of the Joint Grievance Committee.



DAVID J. BERGMAN, Chairman
Review Committee



ROGER W. STALCUP, Secretary
Review Committee

JAMoffat(223-5665):nj