

APR 21 1993

North Valley Division Grievance No. NOV-91-6
Pre-Review Committee No. 1544
Fact Finding No. 5029-91-128
Memorandum of Disposition

**CASE CLOSED
LOGGED AND FILED**

RECEIVED APR 16 1993

SUBJECT OF THE GRIEVANCE:

This case concerns the bypass of a non-climbing Lineman to Underground Crew Foreman - Electric due to his lack of physical ability to perform the climbing duties of the classification.

FACTS OF THE CASE:

The grievant was the senior prebidder to the Underground Construction Foreman position at the Butte headquarters in Chico. The grievant was bypassed pursuant to Section 205.11 since he was not physically able to perform the full duties of the classification (precluded from climbing).

The Pre-Review Committee, on August 5, 1992, directed the Local Investigating Committee to identify essential job functions for the position (excluding climbing) and refer the grievant to an Agreed Medical Examiner for a determination as to the grievant's ability to perform the essential job functions. The AME determined that the grievant could perform the essential job functions, and he was placed in the position on November 16, 1992. The PRC decision was silent as to the requested remedy of back pay and classification seniority.

DISCUSSION:

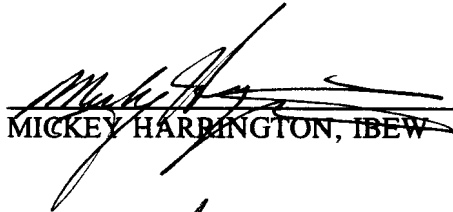
The Fact Finding Committee met on February 16, 1993, to resolve the issues of back pay and classification seniority.

The LIC noted that the Pre-Review Committee was not able to resolve this case until they received additional information from the Local Investigating Committee that was based on 11 months of data not available at the time of the bypass. The Committee agreed that any retroactive adjustments would be based on the date that the LIC provided this additional information to the PRC: June 16, 1992.


On the basis of the preceding agreed date, the Committee agreed to an equity settlement wherein the grievant will be compensated at the top of the rate for the period of 6/16/92 - 11/16/92 (the date he was awarded the position). Such compensation is to include the \$50 per week as specified in Exhibit X. In addition, he will immediately be placed at the top step of the classification and compensated for the difference between the rate he was placed and the top rate, for the period of 11/16/92 to the date he is placed at the top rate.

FINAL DISPOSITION:

As noted above, this case is closed based on the previously described equity settlement, retroactive to June 16, 1992.


MICKEY HARRINGTON, IBEW

Concur/Dissent 3-26-93
Date


KEN BALL, IBEW

Concur/Dissent 3-26-93
Date


DOUG VEADER, PG&E

Concur/Dissent 3/5/93
Date


MOLLY WILLIAMS, PG&E

Concur/Dissent 2/26/93
Date