



REVIEW COMMITTEE

IBEW



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**CASE CLOSED
FILED & LOGGED**

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W
P.O. BOX 4790
WALNUT CREEK, CALIFORNIA 94596
(510) 933-6060
R.W. STALCUP, SECRETARY

MARGARET A. SHORT, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

Diablo Division Grievance No. DIA-93-9
Fact Finding File No. 5433-93-71
Pre-Review Committee File No. 1858

Subject of the Grievance

This case concerns the pay calculation of an Underground Construction Journeyman (1078) while on Workers' Compensation payroll.

Facts of the Case

The grievant was on Workers' Compensation from February 8, 1993 until May 13, 1993. During that time he was compensated at 85% of his basic weekly wage rate of \$896.25 per week.

There is a note in the job definition for Underground Construction Journeyman which states: "Underground Construction Journeyman shall receive an additional \$50.00 per week." A similar note applies to the Underground Construction Foreman (0078).

The \$50 per week is in addition to the basic weekly wage rate noted above. Note 2 of the job definition states: "For the purposes of short-term relive, temporary vacancies shall be filled in accordance with 205.d and such employees shall receive \$10.00 per day above their regular rate and will be limited to their regular job description."

Subsection 108.1(a) of the agreement states in part: "...The amount of the supplemental benefit payable for each of the first 182 days of absence shall be 85 percent of an employee's basic weekly wage rate divided by five, less the sum of any payments to which the employee may be entitled under the Workers' Compensation and Insurance Chapters of the State Labor Code and benefits from the Voluntary Wage Benefit Plan..."

Discussion

The Pre-Review Committee noted that the \$50 per week was negotiated as an incentive for Electric Department employees to enter these classifications and that the parties' negotiations did not address the applicability of this payment to employees on inactive status. However, Note 2 is an indication that the parties contemplated the application of this additional payment to employees who are actively working in the classification. Upon further research, the parties agreed we have included the \$50 in vacation pay and as part of the basic weekly wage rate when developing reverse normal lines of progression for the purposes of administering Title 206.

Decision

The Pre-Review Committee agrees that the \$50 per week should be included in the basic weekly wage rate for the purposes of calculating the supplemental benefits for employees on the Workers' Compensation Payroll. The necessary adjustment should be made for the period of time the grievant was on Workers' Compensation.

This case is closed based on the adjustment provided herein.

Margaret Short
Margaret A. Short, Chairman
Review Committee

9/22/95

Date

Roger Stalcup
Roger W. Stalcup, Secretary
Review Committee

9/22/95

Date