

REVIEW COMMITTEE DECISION

Review Committee File No. 1133
Humboldt Division Grievance No. D.Gr/C 19-71-10

Statement of Fact

The grievant's wife called in reporting that her husband was "sick" and would be unable to report for work. Two days later, he reported for work with a statement from his doctor which alleged that his reason for not reporting to work was due to a disability that was industrially incurred. After reporting for work the employee filed an accident report. In the interim, before his claim was acted upon, he was paid sick leave for the two days in question.

Correction Asked For

Through his grievance he requests that he be paid Industrial Compensation and Supplemental Benefits (Title 108 - Physical Agreement) rather than sick leave pay.

Discussion

Essentially the grievance questions the employee's entitlement to Workmen's Compensation. As such it is not a proper subject for grievance.

Where the outcome is in doubt, and before a ruling is made by the Claims and Safety Department whether the Workmen's Compensation claim will be accepted, it is not improper for sick leave to be paid at the employee's request. Such pay is authorized in Title 209 whether it be for illness or non-work-connected disability. In any event, once a determination is made that the injured is entitled to Workmen's Compensation, and thereby Supplemental Benefits, the sick leave will be restored to the employee's account and the moneys paid recovered from him.

Decision

This case is closed.

FOR UNION:

W. H. Burr
E. R. Sheldon
L. N. Foss

By

Date

L. N. Foss
Feb 14, 1973

FOR COMPANY:

J. A. Fairchild
H. J. Stefanetti
L. V. Brown

By

Date

L. V. Brown
Feb 14, 1973