



## REVIEW COMMITTEE



PACIFIC GAS AND ELECTRIC COMPANY  
LABOR RELATIONS DEPARTMENT  
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INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS, AFL-CIO  
LOCAL UNION 1245, I.B.E.W.  
P.O. BOX 2547  
VACAVILLE, CALIFORNIA 94696  
(707) 452-2700

DOUG VEADER, CHAIRMAN  
 DECISION  
 LETTER DECISION  
 PRE-REVIEW REFERRAL

F.E. (ED) DWYER Jr, SECRETARY

### **Review Committee Number 21989 Customer Care – Local Office Services - Oakland**

Marcus Mitchell  
Company Member  
Local Investigating Committee

Lou Mennel  
Union Member  
Local Investigating Committee

#### Subject of the Grievance

This case concerns the termination of an employee from the Long Term Disability (LTD) Payroll after her two years of eligibility were exhausted. This grievance concerns whether the grievant was improperly bypassed for a Customer Service Representative (CSR) vacancy two days before her termination.

#### Facts of the Case

The grievant was a Customer Service Representative with a hire date of August 22, 1985. The grievant went onto LTD on February 10, 2011 and was terminated on February 10, 2013 when her plan benefits ended.

The grievant was bypassed for a full-time Service Representative 1 position two days prior to her termination. Approximately one month before her termination, the grievant provided an updated Attending Physician's Statement of Disability (APSD) which increased the number of hours she could work from 24 to 40. Her physician also indicated that the grievant was unable to sit for more than 3 hours or stand for more than 3 hours a day.

#### Discussion

The Union argued that while the physician indicated a release for 40 hours per week, he did not specifically exclude overtime. The physician has since clarified that by listing 40 hours he meant full-time. Additionally, the overtime records indicate the amount of overtime worked in this classification and headquarters is minimal. The Company should have offered the grievant the job, or at the very least confirmed that she could not work overtime.

The Company responded that the APSD very clearly limited the grievant's work hours to 40 per week. Overtime is required of the position as local office employees need to be able to work beyond their regular hours to complete business with customers in the lobby at closing time and attend training and meetings regularly occur before starting time. The amount of overtime has no bearing on the fact that it is required to perform the job and the grievant was only released to 40 hours. Any overtime would have exceeded the grievant's limit of 40 hours.

The Committee discussed that, notwithstanding the issue of the grievant's ability to work overtime, there is no dispute that the grievant was restricted to working a maximum of three hours per day sitting and three hours per day standing. A full-time front office employee must either sit or stand for more than six hours per day in order to do their job. The grievant was clearly not released to perform her essential job functions on a full-time (eight hour day) basis.

Decision

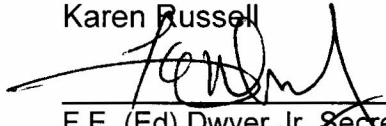
The Committee agrees there was no violation of the Agreement and closes this case without adjustment.

Laura Sellheim  
Rod Williams  
Tanya Moniz-Witten

Jeff Campodonico  
John Blaylock  
Karen Russell

  
\_\_\_\_\_  
Doug Veader, Chairman  
Review Committee

10/23/13  
Date

  
\_\_\_\_\_  
F.E. (Ed) Dwyer Jr, Secretary  
Review Committee

10/23/13  
Date