

**REVIEW COMMITTEE****PG and E****IBEW** 

PACIFIC GAS AND ELECTRIC COMPANY  
 245 MARKET STREET, ROOM 444  
 SAN FRANCISCO, CALIFORNIA 94106  
 (415) 781-4211, EXTENSION 1125

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**

FEB 18 1983

D.J. BERGMAN, CHAIRMAN

- DECISION  
 LETTER DECISION  
 PRE-REVIEW REFERRAL

General Construction Grievance No. 3-1076-82-35  
 P-RC 811

February 14, 1983

MR. R. S. BAIN, Chairman  
 General Construction  
 Joint Grievance Committee

MR. G. VALLEY, Chairman  
 General Construction  
 Joint Grievance Committee

Grievance Issue

Letter of reprimand and one disciplinary day off issued to a Line Truck Driver for violations of safety rules.

Facts of the Case

The grievant's Company Service date is April 13, 1964. He has been a Line Truck Driver since March 17, 1965.

On February 5, 1982, the grievant parked a line truck in a restaurant parking lot in Cupertino. The grievant and three Linemen then ate an overtime meal at the restaurant. After completion of the meal, the grievant and Linemen got into the line truck, backed up, and drove away. The grievant did not walk around the truck prior to backing it up, nor did he have one of the Linemen guide him while he backed.

Another patron in the restaurant noticed that the line truck approached his automobile when the truck was backed up prior to exiting the parking lot. When the patron departed the restaurant, he found that his automobile had sustained damage to its trunk lid. He then reported the incident to the Company.

A Field Representative from Line Construction investigated the incident. He measured the distance from the ground to the appendages on the subject truck's bed, and from the ground to the dent on the automobile trunk lid. He also compared the dent with the appendages. Based on his findings and statements from the car's owner, he concluded that the subject line truck caused the damage to the automobile. As a result, Company paid \$775 for the damages.

The grievant subsequently was issued a letter of reprimand for his failure to effect two Safe Working Practices in the restaurant parking lot on February 5, *i.e.*, failure to perform a walk-around inspection prior to moving the truck, and failure to use an observer while backing the truck. The letter also confirmed earlier instructions that he take February 22, 1982 as a disciplinary day off work without pay for these safety violations.

The grievant had not had an avoidable automotive accident prior to February 5, 1982.

Discussion and Decision

The grievant admitted to the Local Investigating Committee that he violated some Safe Working Practices on February 5, 1982. However, he opined that the evidence regarding the accident was circumstantial, and stated that neither he nor the Linemen who were with him at the time felt the line truck hit anything on February 5.

The Union claimed that the disciplinary day off was too severe in light of the grievant's excellent 18-year driving record, and requested that the disciplinary day off be rescinded.

Company noted that the disciplinary day off was for failure to observe well established and communicated Safe Working Practices, not for the damage which apparently resulted from such failure; as such, Company stated, the discipline was proper.

After reviewing the facts of the case, the Pre-Review Committee is in agreement with Company's position. Therefore, the case is closed without adjustment.



D. J. BERGMAN, Chairman  
Review Committee



R. W. STALCUP, Secretary  
Review Committee

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