



REVIEW COMMITTEE



PACIFIC GAS AND ELECTRIC COMPANY
2850 SHADELANDS DRIVE, SUITE 100
WALNUT CREEK, CALIFORNIA 94598
(510) 974-4282

RECEIVED
DEC. 17, 1998
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

General Construction Grievance No. STR-98-01
Fact Finding File No. 6726-98-101
Pre-Review Committee No. 2177

SHAWN HOOVER
Company Member
Local Investigating Committee

BOB CHOATE
Union Member
Local Investigating Committee

Subject of the Grievance

This case concerns the discharge of a G.C. Line Department Subforeman A for safety and work procedure violations.

Facts of the Case

The grievant had 12 years of service. His disciplinary record was as follows:

5/23/97	coach/counsel WP	need to follow tailboards and all applicable safety rules
09/10/97	WR/WP	energizing service to customer without first testing for proper voltage resulting in damage to customer's property
10/03/97	coach/counsel WP	driving at excessive speed in school zone
12/10/97	coach/counsel WP	working habits and safety rule violations
1/26/98	Discharge	APR, safety, and work procedure rule violations

The grievant's crew consisted of a Lineman, a 2nd step Apprentice Lineman, a probationary Lineman, a probationary Utility Worker and a Hiring Hall MEO.

Investigation and testimony indicated the grievant was involved in the following violations over a several days:

- Although tailboarded by another Subforeman to install tap guards on an energized 12kv line with hot sticks, due to inclement weather, the grievant directed an employee who was not rubber glove certified to assist him in applying the tag guard using the rubber glove method during a period of inclement weather.
- On three occasions, the grievant directed other crew members to work on or around energized lines without protective rubber equipment or with insufficient protective rubber equipment. In some instances, the other crew members performing the work was a second step apprentice lineman who was not rubber glove certified.
- Although another Lineman on the crew was rubber glove certified, the grievant directed an unqualified Lineman to rubber glove on first day of employment.
- Failed to deenergize a secondary conductor prior to cutting it. A Lineman lowered the secondary conductor with a hand line. The hot conductor shorted onto phone messenger and blew the fuse
- Directed employee to remove a transformer with a bucket truck winch which greatly exceeded the safe working load. The second step Apprentice Lineman, who had attempted to remove the transformer with the bucket truck winch, advised the Crew Foreman that the weight limit on the equipment was 2000 pounds and the transformer was 3000 pounds. After several failed attempts, the grievant went up in the bucket and attempted to drag the transformer over the edge of the platform until the transformer teetered over the edge and the truck shut down. Initially, the grievant performed this work from the bucket without utilizing a harness for fall protection.
- Directed Utility Worker to lower deenergized UG 12kv wire down between energized 12kv wires using a wet hand line and no rubber gloves.

There were other safety rule infractions noted in the LIC Report.

The grievant told the LIC:

"Yes, I admit putting employees at risk."

He admitted that he directed a non-rubber glove probationary Lineman to perform work utilizing the rubber glove method on the first day the probationary Lineman worked for PG&E.

He admitted that he directed a second step Apprentice Lineman to perform work utilizing the rubber glove method, knowing the Apprentice was not rubber glove trained.

He admitted to an "oversight" when cutting and lowering the hot secondary into the phone messenger.

He acknowledged attempting to lower a 3000 pound transformer with a bucket truck winch rate at a maximum of 2000 pounds. He stated that he "was not aware that the load chart in the manual says 2000 pounds, which included the employees in the bucket".

He admitted directing a non-rubber glove trained probationary Lineman to assist him with the installation of tap guards during a period of inclement weather after having been tailboarded to either install the tap guard with hot sticks or do it with rubber gloves after the weather cleared up. Grievant stated he "couldn't see coming back another day".

The December 10, 1997 coaching and counseling occurred because one of the crew members told the exempt supervisor he was concerned about the grievant's disregard for safety rules but at that time the employee did not give specifics. The supervisor told the employee he would need to know specifics, dates, jobs, violations before he could take disciplinary action. The exempt supervisor encouraged the employee to keep a record.

The Union expressed concern about management asking bargaining unit employees to "keep book" on fellow bargaining unit employees. Union believes it is management's responsibility to monitor employee behavior and performance.

Company agreed with Union about its responsibility but also reminded Union that supervisors cannot be at every job site for the entire period that work is in progress. Because of this, the bargaining unit crew leader has the responsibility of monitoring behavior and performance at the job site. It is also the crew leader's responsibility to document problems and inform management. In this instance, it was the crew leader who was under scrutiny and therefore his crew members had to do the documentation.

Discussion

At the outset the PRC agreed that the flagrant disregard for the safety of his crew and himself exhibited by the grievant warranted his discharge.

The Committee noted several prior instances where the parties have agreed that Crew Foreman and others in lead positions are required to provide feedback to management on issues related to training needs, conduct, and information necessary to complete performance appraisals. In this regard, the Committee reviewed Fact Finding Case No. 5004, which by agreement was distributed system-wide, and P-RC 558.

The Committee also reviewed a document entitled "Scope of Crew Foreman Authority", revised June 22, 1992, following discussion between Company and Union.

In the case at hand, employees in non-lead classifications provided the information which resulted in the disciplinary action take by management. The Pre-Review Committee is in agreement generally it is inappropriate for management to ask one bargaining unit employee to "keep book" on another bargaining unit employee. In this case, however, it appears there were few alternatives other than receiving information from the members of the grievant's crew. Here, where the facts reflect such a callous and flagrant disregard for the safety of the crew members, the Committee finds management's actions reasonable.

DECISION

Based on the foregoing, the Committee agree that the discharge was for just and sufficient cause. This case is closed without adjustment.

Margaret Short
Margaret A. Short, Chairman
Review Committee

12/17/98
Date

Roger Stalcup
Roger W. Stalcup, Secretary
Review Committee

12/17/98
Date