



**Pacific Gas and
Electric Company™**

REVIEW COMMITTEE



IBEW

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

RECEIVED
SEPT. 23, 1999
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
PERRY ZIMMERMAN, SECRETARY

MARGARET A. SHORT, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

Fresno Division Grievance No. FRO-98-033
Fact Finding Committee No. 6882-99-040
Pre-Review Committee Case No. 2225

CAROL LERMA
Company Member
Local Investigating Committee

JIM LYNN
Union Member
Local Investigating Committee

Subject of the Grievance

This case concerns a Decision Making Leave (DML) that was issued to a Meterperson for an avoidable automobile accident. The grievant had an Oral Reminder active in the Work Performance category at the time of the accident.

Facts of the Case

The grievant was traveling in his Company vehicle on a two-way street through a residential area in which the grievant was following a third party vehicle. The street in which the grievant was traveling had a posted speed limit of 25 mph and did not have a line down the center of the street. The third party vehicle which the grievant was following made a left hand turn into a driveway at which time the grievant struck the driver's side door of the vehicle. The accident resulted in an estimated \$2,000 - \$2,500 damage to the third party vehicle. In addition, the driver of the third party vehicle was transported to the hospital.

In the LIC report, the Supervisor stated he believed the grievant had attempted to pass the third party vehicle on the left side as the vehicle turned into the driveway thereby striking the driver's side of the vehicle. The grievant, however, stated in the LIC Report that the third party vehicle was either traveling very slowly or was completely stopped and that the vehicle had no turn flashing or brake lights on. The grievant did testify in the LIC Report that had he not swerved, he would have rear-ended the third party vehicle. According to the Traffic Collision Report completed by the California Highway Patrol, the cause of the accident was a result of the grievant "driving too fast to stop in time to avoid the collision". The report also stated that the driver of the third party

vehicle made an extremely wide turn to be hit on the driver's side door of the vehicle and that the driver admitted that she did not properly signal the turn into the driveway.

Discussion:

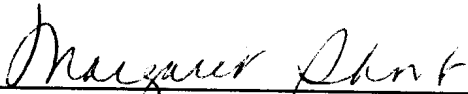
The Union opined that the discipline given to the grievant in this case was too severe. As stated in recent Pre-Review Committee decisions, the Union expressed concern that the intent of positive discipline is to provide the opportunity to correct deficient performance and build commitment (not merely compliance) to expected performance in a manner that is fair and equitable to all employees. In the event the Company skips steps of the positive discipline, such as was done in this case, the employee is not allowed the opportunity to correct deficiencies and build commitment. Although, the grievant was on an active OR in the Work Performance category prior to the accident, it was for an entirely different issue, not for another avoidable accident.

Company agreed with the Union as to the intent of the positive discipline process but noted that disciplinary steps within a positive discipline category may be skipped and need not be followed sequentially. The parties have upheld discipline and discharge cases at a precedential grievance level where positive discipline steps have been skipped. Company further opined that the level of discipline continues to be determined based on the seriousness of the incident and/or the seriousness of the consequence of the employee's error. In the case at hand, the avoidable automobile accident in which the grievant was involved was of such a serious nature that skipping a disciplinary step in the work performance category was warranted.

Decision

The Pre-Review Committee did agree that the automobile accident in which the grievant was involved was avoidable and therefore discipline is warranted. However, the Committee could not agree over the severity of the discipline issued to the grievant. Inasmuch as the active time period for the DML is about to expire and the grievant has not had any performance problems during the active DML up to this point, the Pre-Review Committee agrees to close this case with no adjustment.

On the basis of the foregoing, this case is considered closed.



Margaret A. Short, Chairman
Review Committee

9/16/99

Date



Perry Zimmerman, Secretary
Review Committee

9-16-99

Date