



REVIEW COMMITTEE



PACIFIC GAS AND ELECTRIC COMPANY
LABOR RELATIONS DEPARTMENT
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**CASE CLOSED
FILED & LOGGED**

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W.
P.O. BOX 2547
VACAVILLE, CALIFORNIA 94696
(707) 452-2700

JOHN MOFFAT, CHAIRMAN

BOB CHOATE, SECRETARY

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

Pre-Review Committee No. 17004 Gas T & D – San Francisco

Durla Kelleher
Company Member
Local investigating Committee

Bernard Smallwood
Union Member
Local Investigating Committee

Grievance Issue:

This case concerns management holding Gas T&D employees personally responsible for paying fines when citations are issued to them on the job site by the San Francisco Department of Parking and Traffic.

Facts of the Case:

Historically, the San Francisco Department of Parking and Traffic (DPT) had issued construction citations directly to PG&E for job site violations such as unsafe work site - improper lane closure or sidewalk closure, improper permits, etc.

At some point in 2006 or earlier, the DPT began issuing the citations directly to individual employees at the job site. The grievants' superintendant testified at the LIC that the city views employees as agents of the company and have changed their practice so that citations are issued directly to the employee at the job site where the violation occurs. The Area 1 M&C department policy is that employees are responsible for paying any fines when they did not follow applicable rules, laws or requirements of the conditions of the permit. Other cities in Area 1, San Carlos and Colma, have not issued such citations.

The two grievants in this case received citations with fines in the amount of \$622.21. Citations for both grievants had the employee's home address on them, however, the citation amounts were sent to PG&E, not to their homes. One grievant went to the court hearing with his supervisor and the citation was dismissed. The other grievant had his fine reduced to \$300 when a Work & Resource Coordinator appeared in court on his behalf. The fine was further reduced to \$200 when a GC Project Coordinator, who interacts frequently with the DPT, went to court on grievant's behalf.

The Joint Statement of Facts does not indicate whether or not the grievants received discipline for the violations they were cited on.

Discussion

The Union argues that if employees are agents of the Company, then any fines associated with citations should be paid by PG&E as a cost of doing business. San Francisco is the only city where employees are required to pay these fines, and they should not be treated differently than employees in other locations. Nowhere else in the system are employees held personally responsible for paying fines incurred while performing their jobs.

The Company stated that employees system wide are responsible for paying tickets issued to them for inappropriate operation of Company vehicles such as speeding, running a stop sign, improper lane change, etc.

Decision

The Pre-Review Committee agreed that the appropriate management response when employees violate construction site laws, rules or regulations is application of the Positive Discipline system. Financial liability for citations incurred on the job site lies with the Company. The Committee agrees to an equity settlement of \$200 to the grievant who paid it out of pocket. This case is closed without prejudice to the position of either party.

 FOR

John A. Moffat, Chairman
Review Committee

2-24-09
Date



Bob Choate, Secretary
Review Committee

2/27/09
Date