

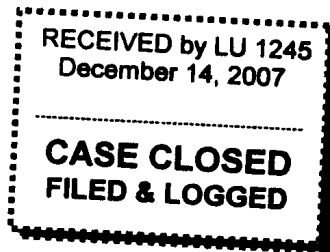
7.1: The discharge of an SF Elect. Meter Tech. was for just and sufficient cause for using a Co. vehicle on non-workday for personal business and being involved in an accident resulting a pedestrian injury.



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MARGARET A. SHORT, CHAIRMAN
DECISION
LETTER DECISION
PRE-REVIEW REFERRAL

REVIEW COMMITTEE



IBEW



INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W.
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VACAVILLE, CALIFORNIA 95696
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BOB CHOATE, SECRETARY

Pre-Review Committee No. 17417 Customer Care – Electric Meter – San Francisco

Michelle Roberts
Company Member
Local Investigating Committee

Landis Marttila
Union Member
Local Investigating Committee

Subject of the Grievance

This case concerns the discharge of an Electric Meter Technician for using a Company vehicle on his non-workday for personal business and being involved in an avoidable accident resulting in injury to a pedestrian.

Facts of the Case

The grievant worked a 9/80 schedule with every other Monday off. The grievant stated that on Monday, March 5, 2007, his RDO, he drove his assigned vehicle to the San Francisco service center to retrieve his wallet. He stated he had no other vehicle available to him as his personal vehicle was wrecked in 2006 and his wife and daughter were out of town.

After retrieving his wallet, the grievant drove to the post office at Geary and Fillmore Streets, to retrieve mail. After leaving the post office, the grievant drove through the parking lot of a shopping center located on Fillmore and Webster Streets. He then made a left turn heading north on Webster to get back to Geary to proceed home. The grievant saw the pedestrian on the median but the next time he saw her, she was pushing off the front-left bumper of the truck he was driving.

The grievant got out of the truck to assist the pedestrian. A Muni bus driver called the police and ambulance. The pedestrian was taken to the hospital and treated for her injuries.

A review of the Gate Entry Logs for the Service Center on March 5 show no record of the grievant entering the yard. At the LIC, the grievant stated he followed someone else into the yard, but could not remember who. The Director stated that at the initial investigatory

interview, the grievant stated he did not see anyone in the yard and he stated his intent was to pick up his wallet and return home without stops in between.

The grievant is long service and had no active discipline at the time of termination. Subsequent to his discharge, he has elected to pension.

Discussion

Union opined that discharge was too severe for a long service employee with no active discipline.

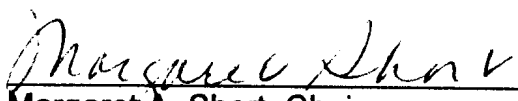
Company responded that the grievant was not engaged in work at the time of the incident, but personal business on a non-workday. Further, Company noted that the grievant had other options, like public transit or cab or asking someone to bring his wallet. He'd been without it for two days already and was to report for work the next day when he could have retrieved it.

The fact that there is no record of his entering the service center and his admission that he did not follow the rules by stopping at the guard's station, it seems more likely that he did not go to the service center at all.

Further, if he did go to the service center to get his wallet, his driver's license was likely in it, which means he was driving the Company truck without it, a violation of the Motor Vehicle Code and company policy.. Lastly, the U-Turn he made was not legal, although he was not cited.

Decision

Based on the facts of this case, specifically using a company vehicle off duty without permission, making an illegal U-turn, inattention resulting of striking a pedestrian who was legally in a cross walk, and it is presumed that the grievant was driving without his license in his possession, the PRC agrees given the totality of the violations the grievant committed the discharge was for just cause. This case is closed.



Margaret A. Short, Chairman
Review Committee

12/12/07

Date



Bob Choate, Secretary
Review Committee

12/12/07

Date