

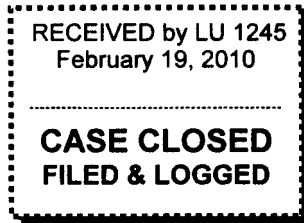


REVIEW COMMITTEE



PACIFIC GAS AND ELECTRIC COMPANY
LABOR RELATIONS DEPARTMENT
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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. 19018 Energy Delivery – Gas T&D - Fresno

Monica Oakes
Company Member
Local investigating Committee

Mike Grill
Union Member
Local Investigating Committee

Grievance Issue:

The Grievant was issued a DML for an avoidable vehicle accident.

Facts of the Case:

The Grievant is a Gas Crew Leader with 37 years of service with no active discipline on file at the time of the accident.

The Grievant was on a partly muddy and dry dirt road approaching a paved roadway. The Grievant failed to stop and entered the roadway and was struck by a third party vehicle. The Highway Patrol report stated that the cause of the accident was the Grievant was driving at an unsafe speed coinciding with a braking application at the moment the Company vehicle traveled through the mud. The Company vehicle was out of control unable to stop and ultimately slid onto Butte Avenue directly into the third party vehicle.

The accident resulted in third party claim for damages and injury. At the time of the accident the passenger in the third party vehicle complained of chest pain and was going to the hospital.

There were no defects found with the Company vehicle and the Grievant indicated that he had no prior problems with the brakes on this vehicle.

Discussion:

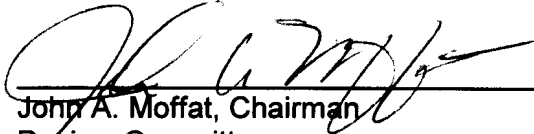
The Union argued that the discipline was too severe and that there were contributing factors that lead to the accident. Those factors were the anti-lock brakes, mud and the condition of the dirt road.

The Company argued based on the CHP report that the Grievant was traveling at unsafe speed for the road conditions and was at fault in the accident causing third party injuries and damages. The Company further argued that the vehicle was inspected and was in good working order.

The parties agree that the only plausible explanation of the series of events is detailed in the CHP report. The result of this accident was damage to a Company vehicle, damage to a third party vehicle and third party injuries. The Grievant's inattention and failure to follow safe work practices resulted in this avoidable accident.


Decision:

After much discussion, the parties agreed that the DML was for just and sufficient cause. This case is considered closed.



John A. Moffat, Chairman
Review Committee
2/11/2010

Date



Bob Choate, Secretary
Review Committee
2/11/2010

Date