



REVIEW COMMITTEE



PACIFIC GAS AND ELECTRIC COMPANY
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INTERNATIONAL BROTHERHOOD OF
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LOCAL UNION 1245, I.B.E.W.
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RECEIVED by LU 1245
February 19, 2010

**CASE CLOSED
FILED & LOGGED**

JOHN MOFFAT, CHAIRMAN

BOB CHOATE, SECRETARY

DECISION
LETTER DECISION
PRE-REVIEW REFERRAL

Pre-Review Committee No. 19163 Power Generation – Hydro Construction - Auburn

Jeff Neeley
Company Member
Local Investigating Committee

Mike Saner
Union Member
Local Investigating Committee

Subject of the Grievance:

Grievant received a Written Reminder for an avoidable automotive accident.

Facts of the Case:

The Grievant is a Working Foreman A in Hydro Construction with 35 years of service and no active discipline on file.

The accident occurred while on an out of area assignment, on March 16, 2009. The Grievant was a passenger in a pick-up truck that had an unsecured piece of plywood fly off the truck and struck a third party vehicle. The plywood did not move while on the surface streets but flew off on the freeway. The Grievant went with a crew member who had to go to the restroom and there were not facilities at the job site. Neither the driver nor the Grievant checked the load and assumed that it was properly secured. Damage to the third party amounted to \$2,000.

The Grievant reported the accident to the local Energy Delivery supervisor but did not follow the department requirement to notify his Hydro supervisor. The Grievant had been told that accidents are to be reported to the on site supervisor as well as Hydro supervision.

Discussion:

The Union argued that the discipline is too severe. The CSP Rule 35 states that the driver of the vehicle is responsible for securing the load and therefore Grievant should not be held responsible for the driver's failure. Additionally the reporting to the Grievant's supervisor in Hydro while he was working out of his normal area was not clear to him as when the accident happened he reported it immediately to his current reporting supervisor in Concord.

The Company agrees that the driver is responsible but argues that it is also the Working Foreman A's responsibility to be sure the load is secure before leaving the jobsite, especially when he is a passenger in the vehicle. The Grievant did not check or ask if the load was secure. The Company also argues that the Grievant did not follow the appropriate reporting procedure instituted for Hydro Construction.

Decision:

This incident was a serious safety violation that resulted in third party property damage and could have resulted in much more serious injury. The PRC could not agree on the reporting violation of the Grievant but agrees that the Grievant is clear on the policy now.

The PRC agrees to close this case without adjustment.



John A. Moffat, Chairman
Review Committee

2/11/2010

Date



Bob Choate, Secretary
Review Committee

2/11/2010

Date